

# JOURNAL

OF ~~THE~~

## HOUSE OF REPRESENTATIVES,

AT A SESSION OF THE

## GENERAL ASSEMBLY

OF THE

## STATE OF ALABAMA,

BEGUN AND HELD IN THE CITY OF TUSCALOOSA, ON THE  
FIRST MONDAY IN DECEMBER, 1838.

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**Tuscaloosa**  
**HALE & EATON,**

STATE PRINTERS.

1838.

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# JOURNAL

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## HOUSE OF REPRESENTATIVES.

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*Monday, December 3, 1838.*—On Monday the 3d day of December, in the year of our Lord one thousand eight hundred and thirty eight, it being the day fixed by law for the meeting of the General Assembly, the following members of the House of Representatives appeared in the State Capitol, in the city of Tuscaloosa, were qualified, and took their seats, viz:

FROM THE COUNTY OF AUTAUGA—Dixon Hall, Jun. Thomas Hogg and John W Withers.

BALDWIN—C M Godbold.

BARBOUR—John P Boothe.

BENTON—William B Martin

BIBB—L Kennedy, J E Somers.

BLOUNT—G H Harrison, Maston Meade.

BUTLER—H T Jones, Walter H. Crenshaw.

CHAMBERS—William L Crayton.

CHEROKEE—George Clifton.

CLARKE—G W Creagh

CONECUH—James M Bolling.

COOSA—W W Morris.

COVINGTON—Josiah Jones.

DALLAS—W Grigsby, Wm C Clifton, and Wm S Phillips.

DE KALB—S. C. Smith.

FAYETTE—Wm S Taylor, R J Morrow.

FRANKLIN—R A Baker, James T Cook.

GREENE—Solomon McAlpin, E Young and John M Bates.

HENRY—Jas Murphy, A J McAllester.

JACKSON—James Williams, Thomas Wilson, William Mason, F A Hancock, McNairy Harris, and A Finley.

JEFFERSON—Samuel S Earle, L G McMillion.

LAWRENCE—Manoah B Hampton, Sam Henderson, T W Walker and M Priest

LAUDERDALE—C Carmack, Jas M. Boston, J Douglass, and Sam'l R Garner.

LIMESTONE—Jno H. J Wynn, A E Mills and Rob't A High.

LOWNDES—J A Tarver, G W Esselman and John P Cook.

MACON—N H Clanton.

MARENGO—B G Shields, Wm B Moore.

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**MADISON**—J W McClung, David Moore, Joseph Taylor and John Vining.

**MARSHALL**—Rich'd Golding.

**MORGAN**—M McClannahan and B N Philpot.

**MONTGOMERY**—W O Baldwin, H W Hilliard and Geo D Shortridge.

**MOBILE**—Blanton McAlpin.

**MONROE**—Solomon Crawford and S S Andress.

**PERRY**—L A Weissinger, W E Blassingame and M Wright.

**PICKENS**—Wm S Jones, B H Neily and F C Ellis.

**PIKE**—Luke R Simmons.

**RANDOLPH**—William McKnight.

**RUSSELL**—James Abercrombie.

**SHELBY**—J M McClanahan, and Wm J Peters.

**ST. CLAIR**—R Hammonds and James Rogan.

**SUMTER**—W W Payne.

**TALLADEGA**—F G McConnell.

**TALLAPOOSA**—John M Holly

**TUSCALOOSA**—M D Williams, B F Porter, Reuben Searcy and Jabez Mitchell

**WALKER**—Joseph Rutherford.

**WASHINGTON**—James G Slater.

**WILCOX**—Allen Moore.

On motion of Mr Carmack, Mr Williams of T. was called to the chair and William Garrett appointed clerk, pro. tem. The House then proceeded to the election of a Speaker—James W McClung and Benjamin G Shields being in nomination.

Those who voted for Mr McClung, are Messrs. Abercrombie Andrews Bates Baldwin Baker Blassingame Bolling Clifton of D. Clifton of C. Clanton Cook of F. Crenshaw Crawford Crayton Earle Ellis Esselman Garner Golding Grigsby Hampton Henderson Hilliard Jones of B. Jones of P. Kennedy Meade Mills Mitchell Moore of Mad. Moore of Mar. Moore of W. McAlpin of G. McClannahan of M. McClannahan of S. Neily Peters Phillips Porter Priest Rutherford Tarver Taylor of M. Vining Walker Williams of T. Wright and Young—48.

Those who voted for Mr Shields, are Messrs Boston Boothe Carmack Cook of L. Creagh Douglass Finley Godbold Hall Harrison Harris Hammond Hancock High Hogg Holly Jones of C. Martin Mason Morrow Morris Murphy McAlpin of M. McAllister McConnell McKnight McMillion Payne Philpot Rogan Shortridge Searcy Slater Simmons Smith of D. Somers Taylor of F. Weissinger Williams of J. Wilson Withers and Wynn—42.

The Hon James W McClung having received forty eight votes, and that being a majority of the whole number given, Mr Chairman declared him duly elected Speaker of the House of Representatives—was conducted to the Chair, made his acknowledgements to the House for the honor conferred, was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a principal clerk, William Garrett and Pleasant H May being in nomination; and William Garrett having received seventy four votes, that being a majority of the whole number of votes given, Mr Speaker declared him duly elected principal clerk: he was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a door-keeper, John Tatom alone being in nomination, and having received all the votes given, was declared duly elected, qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of engrossing clerk, Thomas Price, Daniel Peyton, Thomas Mitchell, John Cantley and P Roberts, being in nomination.

Those who voted for Mr Price are Messrs Speaker Abercrombie Andress Baker Blassingame Bolling Boston Clifton of D. Clifton of C. Cook of L. Cook of F. Crenshaw Crawford, Creagh, Douglass Finley Garner Golding Grigsby Hampton Harrison Harris Hammond Hancock Henderson High Hogg Holley Jones of B. Jones of C. Jones of P. Martin Mason Meade Mills Moore of Mad. Moore of Mar. Morris Murphy McAlpin of G. McAlpin of M. McAllister McClannahan of M. McClannahan of S. Mc-

Connell, McKnight Peters Phillips Philpot Priest Rogan Rutherford Smith of D. Tarver Taylor of M. Vining Walker Weissinger Williams of J. Wynn and Young—61.

Those who voted for Mr Peyton are Messrs Carmack Kennedy Morrow Simmons Taylor of F. and Wilson—6.

Those who voted for Mr Mitchell are Messrs Bates Baldwin Clanton Crayton Earle Ellis Godbold Hall Hilliard Neily Searcy Shortridge Slater Somers Williams of T and Withers—14.

Those who voted for Mr Cantley are Messrs Boothe Esselman Moore of W. McMillion Payne and Wright—6.

Those who voted for Mr Roberts are Messrs Mitchell and Porter—2.

Mr Price having received a majority of the whole number of votes given, Mr Speaker declared him duly elected engrossing clerk: he was then qualified and entered upon the discharge of the duties of his office.

On motion of Mr Baker, *Resolved*, That a committee of five members be appointed to draft rules for the government of this House, and that the rules of the last session shall be in force until others are adopted, whereupon Messrs Baker, Porter, Shields, Payne and Young were appointed said committee.

Mr Carmack offered the following resolution: *Resolved*, That the principal clerk and door-keeper of this House be authorised and required to appoint their assistants. Mr Moore of Mad. moved to lay the resolution on the table. Mr Porter moved to postpone the resolution indefinitely; which was carried.

The House then proceeded to the election of an assistant clerk, Joseph Phelan, William Longstreet, A. J. Hamilton, William C. Henry and John M Cumming being in nomination,

Those who voted for Mr Phelan are Messrs Speaker Blassingame Boston Boothe Clifton of C. Crawford Douglass Finley High Martin Mason Mills Moore of Mad. Morrow Murphy McAllister McMillion Rogan Slater Smith of D. Taylor of M. Taylor of F. Vining Williams of T. Williams of J. Withers and Wynn—27.

Those who voted for Mr Henry are Messrs Carmack Clifton of D. Cook of L. Crenshaw Creagh Ellis Godbold Grigsby Hall Hilliard Jones of B. Jones of C. Jones of P. Kennedy Moore of Mar. Morris McAlpin of M. McClannahan of S. Neily Peters Phillips Shortridge Simmons Somers Weissinger and Wright—26.

Those who voted for Mr Hamilton are Messrs Baldwin Crayton Earle Garner Golding Harris Hammond Hogg Holly McConnell McKnight Payne Tarver and Wilson—14.

Those who voted for Mr Cumming are Messrs Baker Cook of F. Hampton Hancock Henderson McClannahan of M. Priest Rutherford and Walker—9.

Those who voted for Mr Longstreet are Messrs Abercrombie Andress Bates Bolling Clanton Esselman Harrison Meade Mitchell Moore of W. McAlpin of G. Philpot Porter Searcy and Young—15.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to a second call.

Those who voted for Mr Phelan are Messrs Speaker Blassingame Boston Booth Clifton of C. Crawford Douglass Finley Harris Martin Mason Mills Moore of Mad. Morrow Murphy McAllister McMillion Payne Rogan Slater Smith of D. Taylor of M. Taylor of F. Vining Williams of T. Williams of J. Withers and Wynn—23.

Those who voted for Mr Henry are Messrs Carmack Clifton of D. Cook of L. Crenshaw Creagh Ellis Godbold Grigsby Hall Hilliard Holley Jones of B. Jones of C. Jones of P. Kennedy Morris McAlpin of M. McClannahan of S. McConnell McKnight Neily Peters Phillips Shortridge Simmons Somers Tarver Weissinger Wilson and Wright—30.

Those who voted for Mr Hamilton are Messrs Earle Garner Golding Hammond and Hogg—5.

Those who voted for Mr Cumming are Messrs Baker Cook of F. Hampton Hancock Henderson Moore of Mar. McClannahan of M. Priest Rutherford and Walker—10.

Those who voted for Mr Longstreet are Messrs Abercrombie Andress Bates Baldwin Bolling Crayton Clanton Esselman Harrison Meade Mitchell Moore of W. McAlpin of G. Philpot Porter Searcy and Young—17.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to vote a third time. The names of Mr Hamilton and Mr Cumming being withdrawn,

Those who voted for Mr Phelan are Messrs Speaker Baker Blassingame Boston Booth Clifton of C. Cook of F. Crawford Douglass Earle Finley Garner Golding Hampton Harris Hammond Henderson High Martin Mason Mills Mitchell Moore of Mad. Moore Mar. Morrow Murphy McAllister McMillion Payne Rogan Rutherford Searcy Slater Smith of D. Taylor of M. Taylor of F. Vining Williams of T. Williams of J. Withers and Wynn—41.

Those who voted for Mr Henry are Messrs Carmack Clifton of D. Cook of L. Crenshaw Creagh Ellis Godbold Grigsby Hall Hancock Hilliard Hogg Holley Jones of B. Jones of C. Jones of P. Kennedy Morris McAlpin of G. McAlpin of M. McClannahan of S. McConnell McKnight Neily Peters Phillips Shortridge Simmons Somers Tarver Weissinger Wilson and Wright—33.

Those who voted for Mr Longstreet are Messrs Abercrombie Andress Bates Baldwin Bolling Clanton Crayton Harrison Meade Moore of W. McClannahan of M. Philpot Porter Priest Walker and Young—16.

Neither of the candidates having received a majority of the whole number of the votes given, the House proceeded to a fourth call, the name of Mr Longstreet being withdrawn.

Those who voted for Mr Phelan are Messrs Speaker Abercrombie Baker Blassingame Boston Booth Clifton of C Clanton Cook of F Crawford Crayton Douglass Earle Finley Garner, Golding Hampton Harrison Harris Hammond Henderson High Martin Mason Mills Mitchell Moore of Madison Moore of Marengo Morrow Murphy McAllister McClannahan of M. McMillion Payne Philpot Porter Priest Rogan Rutherford Searcy Slater Smith of D Taylor of M. Taylor of F. Vining Walker Williams of T Williams of J. Withers and Wynne—50.

Those who voted for Mr Henry are Messrs Bates Baldwin Bolling Carmack Clifton of D. Cook of D Crenshaw Creagh Ellis Godbold Grigsby Hall Hancock Hilliard Hogg Holley Jones of B Jones of C Jones of P Kennedy Meade Moore of W Morris McAlpin of G McAlpin of M. McClannahan of S McConnell McNight Neily Peters Phillips Shortridge Simmons Somers Tarver Weissinger Wilson Wright and Young—39.

Mr Phelan having received a majority of the whole number of votes given, Mr Speaker declared him duly elected assistant clerk of this House: he was then qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a messenger, Randolph Ivy, Jas. Rather, Robert Johnson and James Merritt being in nomination,

Those who voted for Mr Ivy are Messrs Boston Booth Clifton of C Cook of F Crayton Creagh Douglass Earle Finley Garner Golding Godbold Hampton Hall Harrison Harris Hancock High Jones of C Mason Mills Murphy McAlpin of M McAllister McConnell McMillion Peters Shortridge Shields Slater Simmons Smith of D Taylor of M Taylor of F Vining Williams of J Wilson and Withers—38.

Those who voted for Mr Rather are Messrs Speaker Abercrombie Andress Bates Baldwin Baker Blassingame Bolling Clifton of D Clanton Cook of S Crenshaw Crawford Ellis Esselman Grigsby Hammond Henderson Hilliard Hogg Hollis Holly Jones of B Jones of P Kennedy Meade Mitchell Moore of Mad. Moore of Mar. Morris McAlpin of G. McClannahan of M. McClannahan of S McNight Neily Phillips Philpot Porter Priest Rogan Rutherford Searcy Somers Tarver Walker Weissinger Williams of T Wright Wynn and Young—50.

Those who voted for Mr Merritt are Messrs Carmack Morrow and Payne—3.

Mr Rather having received a majority of the whole number of votes given, Mr Speaker declared him duly elected messenger for this House: he was then qualified and entered upon the discharge of the duties of his office.

Mr D W Hollis, the representative elected from the county of Marion appeared within the Hall of the House, was qualified and took his seat.

On motion of Mr Abercrombie, *Resolved*, That the Senate be informed that the House of Representatives are now organized and ready to proceed to business: that they have elected the Hon James W McClung speaker; William Garrett principal clerk; Joseph Phelan assistant clerk; Thomas Price engrossing clerk; John Tatom door-keeper; James Rather messenger.

On motion of Mr Kennedy, *Resolved*, That the following standing committees be appointed, to wit: a Committee on Privileges and Elections; Enrolled Bills; Inland Navigation; Roads Bridges and Ferries; Ways and Means; The Military; Lands appropriated for Internal Improvement; County Boundaries; Education; Accounts; Divorce and Allimony; The State Bank and Branches; Individual and Private Banks and Banking Operations; The State Capitol; State Printing; The Judiciary; Propositions and Grievances; Agriculture.

And then the House adjourned till to-morrow ten o'clock.

*Tuesday, 4th December, 1838.*—A message was received from the Senate by their secretary Mr Withers—Mr Speaker: The Senate has adopted the following resolution: *Resolved*, That the House of Representatives be informed that the Senate is now organized and have elected the Hon James M Calhoun of Dallas county president, Jones M Withers secretary, Thomas B Childress assistant secretary, A R Thomas door-keeper; and is ready to proceed to business.

The Hon. William Smith, a representative elected from the county of Madison appeared within the Hall of the House, was qualified and took his seat.

Mr Speaker laid before the House the annual report of the Comptroller of

Public Accounts, shewing the disbursements from the contingent fund since the last report; which was read, laid on the table, and one hundred copies ordered to be printed.

On motion of Mr Finley, *Resolved*, That a committee be appointed on the part of the House of Representatives, to act with such committee as may be appointed by the Senate, to wait on his Excellency the Governor, and inform him that the two Houses are organized, and are now ready to receive any communication he may think proper to make: whereupon Messrs Finley, Moore, of Mad. and Shortridge, were appointed said committee on the part of the House. *Ordered*, That the clerk acquaint the Senate therewith, and ask their concurrence.

On motion of Mr Martin, *Resolved*, That editors of newspapers residing within this State be privileged to take seats within the bar of this House, for the purpose of reporting its proceedings.

Mr Porter offered sundry resolutions on the subject of common schools. Mr Porter moved that the resolutions be laid on the table, and that the same be made the special order of the day for Monday the seventeenth instant; and that one hundred copies thereof be printed for the use of this House; which was carried.

On motion of Mr Williams of T. *Resolved*, That a committee of two members be appointed from each judicial circuit, to apportion the representatives of the several counties, and to lay off the senatorial districts agreeably to the late census, in conformity to the provisions of the constitution of the State of Alabama.

Mr Porter introduced a bill to abolish imprisonment for debt; which was read a first time and ordered to a second reading on to-morrow.

Mr Williams of T. moved to reconsider the vote taken yesterday on the adoption of the resolution offered yesterday by Mr Kennedy for the appointment of standing committees; which was carried. Mr Williams of T. then moved to strike out that part of the resolution which provides for the appointment of a standing committee on Individual and Private Banks and Banking Associations; which was carried. The resolution as amended was then adopted.

On motion of Mr Godbold, *Resolved*, That there shall be raised by this House a committee on Rail Roads.

Mr Morris offered the following resolution: *Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Secretary of State shall cause suitable shelves to be constructed in the Library room, and that the books and accounts therein, be classed and put up to secure them from damage; which was read and ordered to a second reading on to-morrow.

Mr Martin introduced a bill to incorporate the town of Jacksonville in the county of Benton; which was read a first time and ordered to a second reading on to-morrow.

On motion of Mr McClannahan of S. *Resolved*, That the door keeper be instructed to contract for, and furnish fuel and stationary for the House, during the present session.

Mr Kennedy introduced a bill for the relief of debtors, citizens of the State of Alabama and for other purposes; which was read the first time: and Mr Kennedy moved that the bill be made the special order of the day for Monday next. Mr Carmack moved to postpone the further consideration of the bill until the twentieth day of January next, which was lost: Yeas 31—Nays 57.

The yeas and nays being desired, those who voted in the affirmative are Messrs Bates Boothe Boston Carmack Clifton of C Clifton of D Cook of F Douglass Finley Garner Hammond Hancock Harris Harrison Henderson Hollis Jones of C Mason McAllister McAlpin of G McClannahan of M Morris

Morrow Moore of Mad. Murphy Phulpot Rogan Smith of D Taylor of F. Taylor of M Williams of J Wilson Wynn and Young.

Those who voted in the negative are Messrs Speaker Abercrombie Andress Baldwin Baker Blassingame Bolling Clanton Cook of L. Crawford Crayton Creagh Crenshaw, Earle Ellis Esselman Golding Grigsby Hall Hampton Hilliard Hogg Holley Jones of B Jones of P Kennedy Martin McAlpin of M McClannahan of S McConnell McNight McMillion Meade Mills Mitchell Moores of Mar. Moore of W Neily Payne Peters Phillips Porter Priest Rutherford Searcy Shields Shortridge Simmons Slater Somers Tarver Vining Walker Weisinger Williams of T Withers and Wright.

The question then recurred on Mr Kennedy's motion, that the bill be made the special order of the day for Monday next, which was carried.

A message was received from the Senate by Mr Withers, their Secretary.

Mr. Speaker—The Senate concur in the resolution from the House of Representatives, in appointing a committee to act with such committee as may be appointed by the Senate, to wait on His Excellency the Governor, and inform him, that the two houses are organized, and are now ready to receive any communication he may think proper to make, and have appointed on their part Messrs. Hudson, McClanahan and Toulmin.

Mr Findley from the joint select committee appointed on the part of the House to act with such committee as should be appointed on the part of the Senate, to wait on His Excellency the Governor, and inform him of the organization of both houses, and of their readiness to receive any communication he might think proper to make: Reported that they had performed the duty assigned them, and received for answer, that he would make his annual communication, in writing, to this house, this day at half past one o'clock.

Mr Porter introduced a bill for the encouragement of the agriculture and domestic industry of the State, which was read the first time and ordered to a second reading on to-morrow.

Mr McAllister introduced a bill to repeal an act, entitled an act, to repeal an act, exempting certain property from levy or sale, by virtue of an execution, so far as regards the county of Henry, which was read the first time, and ordered to a second reading on to-morrow.

Mr Boston introduced a bill to establish by law, muster days in the 1st division and 2nd brigade of Alabama militia, which was read the first time and ordered to a second reading on to-morrow.

Mr Crenshaw introduced a bill to regulate the time of holding the county courts for the county of Butler, which was read the first time, and ordered to a second reading on to-morrow.

Mr Phillips introduced a bill for the better protection of slaves in certain cases, which was read the first time, and ordered to a second reading on to-morrow.

A message was received from his Excellency the Governor, by Mr Gooch, his private Secretary, which is as follows, to wit:

EXECUTIVE DEPARTMENT, }  
Tuskaloosa, December, 3d, 1838. }

*Gentlemen of the Senate and of the House of Representatives:*

The revolution of another year has convened us at the Capitol, for the purpose of deliberating on the public interests of our common constituents; and it becomes our indispensable duty, as the servants and Representatives of a people professing the mild and tolerating doctrines of the Christian Religion, to return our grateful and solemn thanks to the Divine Ruler of the universe, for the blessings conferred upon us during the past year. Every section of the State has been blessed with the enjoyment of an universal degree of health. The grain crop, in many parts of the State, is said to be much more abundant than in any of the surrounding States, and although the cotton crop, when we estimate the quantity planted, will not equal the production of some former years, it is fair to conclude, that the enhanced price consequent upon diminished production, will yield to the planter an adequate profit upon his capital and labor. It is a source of most agreeable reflection, too, to perceive that that portion of our fellow citizens, who, in common with much larger portions in other parts of the United States, were laboring under pecuniary embarrassment, growing out of the sudden and unex-

amplified revulsion in the commercial and momentary affairs of the country, under a system of rigid economy and persevering industry, and profiting by the salutary admonitions of past experience, are rapidly emerging from the difficulties in which they were involved, and will, no doubt, by continued perseverance in the commendable course so nobly begun, soon find themselves entirely relieved from the entanglements of debt, and in the enjoyment of prosperity, affluence and comfort.

Another source of peculiar gratification at the present period, is, that for the first time since the adoption of our State Constitution, we are in the full and undisturbed possession of the whole extent of soil embraced within our territorial limits. The last remnant of the native, original possessors of the soil, included within the limits of this State, have, in pursuance of the policy of the General Government, and under the superintendence and direction of a distinguished officer of the Army of the United States, been removed, or are now on their way to the homes provided for them, in exchange for their lands, west of the Mississippi. And although the sigh of regret and commiseration may escape us, when we reflect on the necessity that existed for the removal of this wasting and unfortunate race of beings, from the land of their nativity and the homes and the graves of their ancestors, we cannot be insensible to the great and manifest advantages which have, in consequence of this policy, resulted to us.

The Government of the United States, in pursuance of the wise and liberal policy which has uniformly characterized its legislation in reference to the new States of this Union, has extended the pre-emptive system to the lands lying in this State, recently acquired from the Indians; and it cannot fail to prove a source of pride and gratification to every citizens of Alabama, that her Senators and Representatives in Congress have eminently contributed to the success and continuance of a system, not only just in itself, but fraught with peculiar advantages to a large and meritorious class of our fellow citizens.

It would be improper for me to omit, on this occasion, to bear testimony to the manner in which that portion of the people of this State, who were called on for that purpose, performed, in all human probability, the last act in the drama of our Indian affairs. In complying with the requisition from the War Department for troops to aid in the execution of the treaty with the Cherokees, the only difficulty experienced was in determining who, among the great number tendering their services, could be most properly excluded from the service of their country.— And at a later period, when, from the aspect of the negotiations between the Secretary of War, and certain Chiefs of the Cherokee Nation, I felt it to be my duty to organize a force of fifteen hundred men, to act as circumstances might require, and issued an order to that effect to Major Generals Patterson and Philpot, commanding the first and seventh divisions, to furnish seven hundred and fifty men each, from their respective commands, the requisit number immediately stepped forward with a promptitude and alacrity which reflects the highest credit on their patriotism and valor.

The war with the Seminoles still lingers to its termination, and the people of Dale county have experienced great inconvenience and considerable loss from its continuance. In the month of January last, from the repeated and pressing solicitations of the inhabitants of that county, I considered it proper to authorize Col. William Pouncey, who was recommended to me as an excellent partizan officer, to raise a company of Mounted Rangers, to protect the frontier inhabitants against the incursions of straggling parties of Indians, and to enable the settlers to plant their crops; and am happy to learn that this precautionary measure had the desired effect. Part of the expense of this measure, amounting to seven hundred and fifty dollars, has been paid out of the contingent fund, and it will become the duty of the General Assembly to provide, by law, for the payment of the balance. While upon this subject, I beg leave to recommend to your careful examination, the claims growing out of the late difficulties with the Creek Indians. To provide for the payment of those who performed services, and incur expenses in times of public difficulty and danger, is one of the clearest dictates of justice, as well as gratitude. In order to facilitate your enquiries upon this subject, and to prevent mistakes, I have requested the State Treasurer to furnish you with a complete statement of the amount of the accounts, and the individuals to whom paid, in virtue of acts of appropriation, as well as those allowed by the Commissioner appointed for that purpose.

Under the act of the 23d of December, 1837, authorizing the appointment of three Commissioners to examine the State Bank and Branches, and to report to this Department in the manner specified in said act, on the 31st day of January, I appointed John B. Norris of the city Mobile, Thomas Owen of Tuscaloosa, and Thomas Brandon of Huntsville, to perform that duty. Their first report, exhibiting the actual condition of the Banks up to the period at which the examination closed, was communicated in May. The second examination contemplated by the act under which the Commissioners were appointed, was closed a few days since, but has not been formally communicated to this Department. From the acknowledged ability of the



Commissioners, it is fair to presume that the second report will contain many valuable and important suggestions with regard to the future management of the Banks. Both the reports will, according to the terms of the law, be communicated to you during the present session.

Many reasons conspire, in the present unexampled conjuncture of our public affairs, to render the State Bank and its Branches, objects of peculiar solicitude and anxiety to those who are engaged in the public service. And, notwithstanding a just diffidence in my abilities with respect to most matters, and especially the question of Banking and Finance, as one of the requirements of the Constitution is, that I should recommend to your consideration such measures as I may deem expedient, I beg leave respectfully to submit to you the propriety of certain cardinal changes in the mode of managing the State Bank and Branches, which appear to my mind as indispensably necessary to their successful operation. Neither would it be altogether, candid in me, not to say, that originally I was opposed to the whole State Bank system. I thought I saw in the system itself, intrinsic difficulties not to be overcome by any course of management, however prudent, and the tendencies of which could not be counteracted by any policy, however wise and cautious. But subsequent observation and reflection have both tended to convince me, that the defects I had supposed to be inherent in the system itself, have proceeded, in a great measure, if not entirely, from defective organization and mismanagement and are mainly attributable to the following causes:

- 1st. The want of some general head or controlling principle.
- 2d. The frequent election of numerous Boards of Directors by the Legislature.
- 3d. The mode of compensating the Directors, in the shape of Discounts and accommodations.
- 4th. In not requiring the Banks to keep a larger amount of specie in their vaults, in proportion to their circulation. And
- 5th. The transaction of too large a portion of their business on long time. Under this last head will, of course, be included the unreasonably large sums loaned to individuals.

The constitutional provision under which the State Bank and Branches are established, is in the following language: "One State Bank may be established, with such number of Branches as the Legislature may, from time to time, deem expedient," &c.

The evident import and meaning of this language would seem to be, that the Branch Banks were to be emanations from the State Bank, or that they were to be connected with it; or, at least, that they should be so organized as to form parts of the same system, and to act in concert and harmony with the mother Bank, as well as with each other, instead of being what in fact they now are, independent institutions, each acting for itself, with very little, if any, regard to the interest of each other, without any unity of purpose or design, and entirely uninfluenced by the operation of any general principle. Indeed, it must be obvious to every one who has bestowed the slightest attention, or made the least observation on the subject, that the *Branches of the Bank of the State of Alabama*, are Branches in name merely; and that to all practical intents and purposes, they are separate, distinct and independent institutions; and that notwithstanding they rest for support on the same common foundation, the faith and credit of the State, and, properly managed, none can rely on a surer or safer basis; that owing to the influence of divided counsels; or to the separate, distinct and independent action of unconnected and conflicting views—being bound together by no common principle of harmonious action they are, at all times, in danger of defeating the primary object which the framers of the Constitution had in view—furnishing a sound, stable and uniform currency. Indeed this year has witnessed the fact, that some, if not all these institutions have made a difference between their own paper and that of other State institutions. But really, when we consider the obvious departure from the spirit and meaning of the Constitution, in the establishment and organization of the *Branch Banks*, and see that these *Branches* have not, and never had, any connection with the body of which they purport to be members, it is only astonishing that they should have succeeded as well as they have. For an organized body without a head, or any general controlling power, is an anomaly in principle, and, if not an absurdity in practice, must at all times be eccentric in its movements, and of dangerous tendency. The only two modes that occur to me as likely to remedy the existing defects in the organization of the system, are the following: either to invest the mother Bank a controlling power over the Branches, or to create a Board of Control, consisting of five Commissioners, one for each Bank, with a competent salary, and making it their duty to meet as often as circumstances might render it proper, and to prescribe general rules for the government of the State Bank and each of the Branches, in all their general operations, and leaving matters of detail to the respective Boards of Directors.

Another palpable defect in the system, is the mode of electing, and the number of the Directors. The Directors are too much dependent on the members of the Legislature—and the members of the Legislature themselves do not and cannot act under a sufficient sense of re-



sponsibility, in the election of Bank Directors. Indeed, I look upon the present mode of electing Bank Directors, as not only having an inevitable tendency to, but as certain to end in corruption, as that effects follow their causes.

I trust I shall not be understood as making unworthy or improper allusions to any existing state of things. I am endeavoring, by the exercise of a prudent foresight, to guard against the mischiefs that lie before us, and which may, if not guarded against, endanger the safety of our institutions.

In bringing again to the attention of the Legislature, that change in the mode of electing Bank Directors, which, on a former occasion, I felt it to be my duty to present to their consideration, I am not unaware that I may subject myself to the charge of pertinacity of views, and probably, my motives to misconstruction. But I greatly mistake my devotion to the welfare of the people of this State, if any selfish consideration could induce me to withhold the expression of any opinion, I might think calculated to promote their interest. And if such a time ever should arrive, I should consider myself utterly unworthy of their confidence. Fortunately, however, my opinions upon this subject are recorded upon the journals of the body of which I was a member, at the time when it was impossible for me to have been actuated by a desire to diminish the powers of the Legislature, or increase those of the Executive.

The best reflection I have been enabled to give to the subject, leads to the conclusion that the most important improvement that could be made in the management of the Banks, so far as the election of Directors is concerned, would be to reduce the number to six, make it the duty of the Governor to nominate double that number to the two Houses, and let them elect, as they now do, by joint vote—pay the Directors a competent salary for their services; and cut them off from all accommodation or liability at the State Bank, or any of its Branches, during the time for which they are elected.

The objection to this change is, that it increases the powers of the Executive in proportion as it diminishes the powers of the Legislature. This is admitted. But let us enquire whether it is not much more probable that the Governor will exercise this power in a manner more likely to promote the public good than the Legislature. For I apprehend it will be readily conceded, that every portion of delegated power, should be vested where its exercise will be most likely to advance the public interest. Neither will it be controverted, that any portion of power may be safely deposited, in any branch or department of the government, where the public good requires it to be placed, provided the exercise of such power be accompanied by adequate and correspondent responsibility. Indeed the great desideratum in parting with power, is to secure its faithful exercise by certain and adequate responsibility.

It is in this point of view mainly, that the proposed change has a manifest advantage of the existing mode of electing Directors. For, admit that each member of the Legislature is competent to judge of the qualifications of Bank Directors as the Governor, yet the responsibility that will attach to the Executive under the nominating plan, compared with that which now rests upon the members of the Legislature will be as one hundred and thirty is to one; or to speak more plainly, that the responsibility which now attaches to, and is divided among the one hundred and thirty individuals composing the General Assembly, will attach itself directly to the Governor alone. But it is objected that it would be dangerous to repose this power in the Governor, because he would use it to promote his own views of interest or ambition, and that his nominations would always be made from among his personal or political friends. But it should be remembered that the Legislature has a constant check upon him, by rejecting his nominations if they are injudicious or improper, and the vigilant eye of the public would be always upon him. And even admitting, for a moment, although I am far from attributing such motives to others, that an individual elevated to the Chief Magistracy of an enlightened State, could so far forget the duties of that honorable station, as to attempt to infuse corruption into her monied institutions, which are her political life's blood, by selecting a set of unprincipled men, who would be willing to pander to his cupidity, or minister to his ambition, it by no means follow that it would not be better, even to incur the risk of the delinquency and corruption of one individual, than to keep the most numerous and powerful department of the government constantly in the way of temptation. And with respect to the gratification of personal or political partiality or prejudice, all the remarks which apply to the relative responsibility of the two modes, apply with equal force to this objection; or in other words, it is impossible that the Governor shall have as many personal or political favorites to gratify in the nomination of Bank Directors, as one hundred and thirty gentlemen, equally intelligent, equally popular, and just as influential in every respect.

The reasons in favor of reducing the number of Directors are threefold. Perhaps, there is no political axiom more conformable to reason, and correct observation and experience, than, that in the creation of public agents, the smallest number that can be safely trusted with any

given power, and can exercise it effectually, is always best; especially when they are to be liberally paid at the public expense.

First, then, there would be greater certainty of obtaining six than the present number, possessing the requisite qualifications in the different sections of the State where the Banks are located; secondly, there would be more likely to be unanimity of opinion and efficiency of action in a small number: and lastly, the difference in point of economy, between paying six, and twelve or fourteen, at each bank, is well worthy of consideration.

But it may be asked, can it be possible, that twelve or fourteen gentlemen, possessed of the requisite qualifications for Bank Directors, cannot be found in the vicinity of the State Bank, and Branches? The condition of some of the Banks at least, furnishes the answer to this question.

It is urged, however, that reducing the number is anti-republican—that, it is taking power from the many, and giving it to the few. This objection, if well founded, would be unanswerable. But of all the objections urged against the proposed change, this is the most deceptive, and the most fallacious. For corporations, in their very essence, are anti-republican; being based upon powers abstracted from the common mass of power, and vested in a limited number for particular purposes.

By the many, when used in reference to political institutions, we mean the people; and the power vested in a corporation, is taken away from the people the moment the corporation is created; and the only interest, the people have in the matter, is, that the power thus taken away should be vested in whatever number is most likely to exercise it for their benefit, whether that number be few or many. And to say nothing more of the idea of introducing political principles into the organization of monied institutions, or pecuniary affairs of any kind; it may be safely affirmed, that if any Banking institutions ever should be based on such principles, they will be certain, in the end, to become political engines in the hands of whatever party may predominate in politics, and to defeat the very object of their creation.

The history of the late Bank of the United States furnishes us with a memorable lesson upon the subject of clothing monied institutions with political powers, or organizing them on political principles.

The most objectionable feature, upon the first blush, in the proposed change, although I am convinced it is one of indispensable necessity, is cutting off the Directors from all accommodations, and preventing their becoming liable to the banks, or either of them, to any extent, during the time for which they are elected. According to the theory of our Government, and it is a theory dear to every patriot, each citizen is entitled to the enjoyment of equal rights. Hence, arbitrarily to deprive a Bank Director of the rights to which, as a citizen, he would be entitled, would be unjust and oppressive. But it is a mere qualification for office, which he may accept or refuse, and to which a sufficient salary is affixed, to compensate him, for the sacrifices he makes, and the labor he performs.

I cannot dismiss this part of the subject, without expressing the most decided disapprobation of the present mode of compensating the Directors for their services, in the form of increased facilities and accommodations. And I regret to add, that the past history of the banks, unfortunately speaks a language much more intelligible, than any I can employ upon this subject. Perhaps of all the modes that human ingenuity could devise, for paying public agents for their services, there is none more pernicious and unwise in principle, or leading more inevitably to corruption in practice, than leaving it to the agents themselves. It is true, there is a prescribed limit beyond which, under the present system, the Directors are prohibited from going. But he is an indifferent judge of human nature, who does not know, that placing and keeping men constantly in the way of temptation, is not the surest method of preserving their honesty, or ensuring a faithful discharge of their public duties.

The other defects, to which I have alluded as presenting impediments to the successful operation of the banks, are, their failing to keep a larger amount of specie or its equivalent, in proportion to the amount of their circulation, always on hand; the loaning of large amounts to individuals, to foster and pamper a ruinous system of speculation, instead of distributing their loans equally, so as to meet the general wants of the community; and of transacting too large a portion of their business on long time.

That each of these suggestions, will receive at your hands the consideration to which it is entitled, I entertain not the smallest doubt.

I candidly admit, that the circumstances under which this communication is made, impart to every consideration connected with our banking system, a peculiar interest. We are in fact just entering on a new order of things. The expiration of the charter of the U. States Bank—its vast effects upon the State institutions, as well as upon the currency of the country at large, and the confident opinion I entertain, and the hope I cherish, that no similar institution will ever

be established in the United States, all unite in giving to the State Banks, a degree of importance hitherto unfelt and unknown. Upon their successful management, more than any thing else, depends the great question, whether, henceforward, we shall be exempt from the absorbing influence of that gigantic institution, which literally engulfed the exchanges of the country, and controlled its pecuniary destinies, at its will, or be brought back to that connection between the Government and banks, the dissolution of which has been decreed by the judgement of a large majority of the American people.

In every light, in which our banks can be viewed, it is now evident, that they are to become institutions of immense importance, either for good, or for evil.

Already we see a State Institution, styled the Bank of the United States, chartered by Pennsylvania, under the control of the mastering spirit of an eminent financier, marching with gigantic strides to the occupation of every inch of unappropriated ground in the different States, with a view of monopolizing the exchanges, and controlling the currency of the country.

It is for us to determine, whether we will secure the immense advantages, to be derived from a well regulated State Bank system, to the present generation, and to after times, or permit them to be filched from us, for the purpose of enriching the citizens of other States, to the injury and the exclusion of the people of Alabama, for the protection of whose rights, we have been appointed sentinels; and over whose interests, it is our duty to watch with unceasing vigilance.

Under the solemn and unchangeable conviction, that the Government of the United States possess no constitutional power over the currency, except so far as the Government itself is concerned, and to prevent any State from making any thing but gold and silver coin, a tender in the payment of debts; and that it is the right and duty of the States, each to provide a currency for itself; and that it is completely in the power of the individual States to provide such a currency by placing their banking institutions on a proper basis, and conducting them in such a manner, as to inspire confidence co-extensively with their circulation, and all the wants of their citizens; it is but natural, that I should feel deeply solicitous to see our Banking institutions placed on the best possible footing, so as to enable them to perform the important part, and fulfil the high destiny that awaits them.

We have seen them already, under their present defective organization, and imperfect management, relieving us of the payment of a State tax for several years, and no one can doubt, that properly managed, they would soon enable us to engage in the important works of a general system of education, and of internal improvement; in regard to both of which, we are in the rear of many of the States of the Union, not enjoying equal advantages with ourselves.

The propriety of the banks resuming specie payments, earlier than the period fixed by the act of June, 1837, will doubtless occupy a portion of your deliberations during the present session. I am decidedly of opinion, that the banks are bound by all the obligations of good faith, as well as the clearest dictates of interest and sound policy, to resume at the earliest possible day, that their means will enable them. And I am further of the opinion, upon a comparative view of their means, and liabilities, that they may resume, with perfect safety, on the first of January—and should regret, exceedingly, to see any measure adopted by the Legislature, calculated to impair the ability of the Banks to resume, or to induce the necessity for further delay.

The bonds created by the act of the 23d of December, have not been sold.— They were executed in sums of two hundred pounds sterling each, in the month of April, and were ready for market, as soon as the Cashier of the State Bank, could perform the labor of signing the *Coupons*, which added to his other duties, was very considerable.

The Boards of Directors very properly constituted two agencies, in order to ensure the best market: one in New York, and one in Liverpool. At the date of the last advices from the agent in Liverpool, Alexander Pope, Esq., there was no prospect of a speedy sale on advantageous terms.

Since your last adjournment, several combinations or associations of individuals, in different parts of the State, have confederated themselves together, under different titles and denominations, for the purpose of banking and are now in the full exercise of all its privileges. And I understand there are several other institutions of kindred character, in a rapid state of preparation. It is extremely to be regretted that any portion of the people of this State, should have been so far seduced, or influenced by the evil and pernicious, though generally exploded example of other States, as to have resorted to an expedient, not only violative of the Constitution, but fraught, if not arrested in the outset, with the most disastrous consequences, to the character and credit of the State, and attended with risk, if not absolute loss, to all who meddle with them. Fully satisfied of the illegality of these proceedings, on the part of the individuals concerned in them, I instructed the Solicitors of two of the Judicial Circuits, in which these establishments are located, to institute proceedings against them in the Circuit Courts. One of

the informations filed by the Solicitor, I am informed, was continued for want of time, and the other dismissed; upon the ground, that although banking, according to the opinion of the presiding Judge, was a franchise, and the exercise of it a violation of the Constitution, there was no law to prohibit it.

It is for the Legislature, in their wisdom to determine whether they will tolerate a system in direct violation of the Constitution, and a flagrant infraction of the sovereignty of the State—a system rather novel in itself, being, not always founded either on capital or credit, but not unfrequently, on the remnant of a stock of ingenuity and enterprise, that have been unsuccessfully employed in almost every other form of speculation; and the inevitable result of which, must be, to impose upon the community an unsound, depreciated, irredeemable currency.

The arrangement entered into, by the Bank of the State of Alabama, on the 29th day of August last, to make advances on cotton, has been brought to my notice in such a variety of ways, that I do not feel at liberty to avoid submitting a remark upon it. Perhaps there is no principle more universally recognized, than, that corporations possess no powers except such as are conferred upon them by the acts creating them. And that they are not at liberty to undertake to promote the interest of the community, or any portion of it, to the exclusion of the rest; but can only do such things as they are authorized to do, by the acts creating them, and they must do such things as they are authorized to do in the mode pointed out by the charter, and in no other mode.

It is readily admitted, that the planting interest, which this arrangement was evidently intended to favor, is the most important, and that the planters themselves constitute our surest and safest reliance in every emergency. But they are not entitled to favors, to which other classes of the community are not equally entitled, and upon the same terms. The liberties of the people of this country, rest on the broad platform of equal rights, and any attempt to discriminate between them, is striking at the very foundation of our political system.

I am therefore of opinion that this, and all similar arrangements are indefensible in principle and practice.

The contract entered into between the Branch Bank at Montgomery, and the Montgomery and West Point Rail Road Company, is also believed to be unwarranted by the terms of the bank charter, and will be communicated to you, in connection with the Commissioner's report.

Commissioners were appointed in September, to examine the Bank of Mobile, and the Planters' and Merchants' Bank, whose reports will be communicated to you, as soon as they are received. Both these institutions are understood to be in a sound and healthy condition, and have announced their determination, to resume specie payments on the first of January next.

The University of Alabama, which so long struggled against adverse currents, is now rapidly emerging from the difficulties under which it labored, and under the control and influence of a President and Professors who, so far, have proved themselves all that the friends of virtue, education and science could wish;—this Institution bids fair, soon to become what, under happier auspices, it would long since have been, an ornament and a blessing to the State.

At the last annual meeting of the Board of Trustees, the existing vacancies were filled by the election of Samuel H. Stafford, late of South Carolina, to the Chair of Ancient Languages, F. A. P. Barnard of New York, to the Chair of Mathematics, and Horace S. Pratt of Georgia, to the Department of English Literature.

Each of those gentlemen came on shortly after they were notified of their appointments, and Professors Stafford and Barnard have been in the discharge of their respective duties from the time of their arrival.

Professor Pratt's acceptance of his appointment was predicated on the condition, that he could have sufficient time allowed him to wind up his business in Georgia, before he entered on the duties of his station: This was assented to, by the President of the Board of Trustees, the Board not being in session, and after assisting in the organization of the different classes, he departed, under an arrangement with the other gentlemen of the Faculty to divide his duties among them, and perform them during his absence. He arrived at the University a few days since, and it is confidently believed that not the slightest injury has resulted to the interests of the Institution in consequence of his temporary absence.

The Chair of Modern Languages is still vacant, and will probably be filled at the ensuing meeting of the Board of Trustees. In speaking of the condition and prospects of an institution, in which the present and future generations have so deep and important an interest, it would be improper not to notice the highly commendable and praiseworthy deportment of the Students. And, it affords me unspeakable pleasure to say, that never, in any Literary Institution, in any part of the world, did a set of young gentlemen exhibit a more lofty, and undeviating sense of honor and moral rectitude, or more constant, and unremitting attention to their studies,

than have been constantly manifested by the Students of the University of Alabama, since its reorganization.

Such has been the entire neglect of any attempt, at any thing like a general system of education in Alabama, that there is at this time, scarcely a school, or Academy in the State, in which our young men can be fitted for College. This is an imputation under which, a people enjoying the manifold resources, and advantages that we do, ought not to consent, longer to labor.

The great and interesting subject of internal improvement will, no doubt, form one of the most prominent subjects of your deliberation during the present session. I have looked forward with great pleasure to the period, when under a judicious management of our Banking, and financial affairs, the State would be prepared to engage in some work of internal improvement connecting the Tennessee River with Mobile Bay. Candor, however, induces me to say, that I do not consider the present time propitious for engaging in any public work of considerable magnitude.

When our Banks shall have resumed specie payment—public confidence becomes restored—that a portion of our citizens, labouring under the weight of pecuniary embarrassment, shall be relieved from their difficulties, it will afford me great pleasure to co-operate with you in the accomplishment of this desirable object. If however, from your more intimate acquaintance with the wants and wishes of the people, you should think proper, at this time, to direct a portion of the public energies and resources to this object, my assent will not be withheld. Although, I think it had better be deferred.

Among the indispensable duties, that will devolve upon you during the present session, will be the apportionment of the Senators and Representatives among the several counties, cities and towns, according to the enumeration made under the act of the last session. This duty I have no doubt, you will perform in such a manner, as to secure to the people in every part of the State, with as perfect equality as is attainable, the full benefit of the great and invaluable right of separate representation.

I beg leave to press upon your serious consideration, a careful revision of our penal code, with the double view of mitigating its severity, and ensuring a more certain administration of the Criminal Law; and, in connection therewith, the establishment of a State Penitentiary. This subject has been so frequently discussed both in the Legislature, and before the people that, I deem it unnecessary to protract my own views in relation to it. My deliberate opinion is, that the establishment of a Penitentiary would do more to prevent the perpetration, and insure the punishment of crimes, than all our other legislation combined.

If you should agree with me upon this subject, perhaps the better plan would be, to appoint suitable persons to examine similar institutions in different parts of the Union, so that we might be enabled to avail ourselves of the most approved systems in other States.

Intimately connected with the subject of crimes and punishments, is another, which greatly increases the amount of the former, and induces a necessity for the latter. I allude to the retailing of spiritous liquors in small quantities, to be drank where they are sold.

Of all the evils that beset and waylay the path of civilized society, I am satisfied, that Intemperance is the greatest; and, that it tends more than any other, and, perhaps, more than *every* other, to retard the advancement of the American people to that high state of moral and intellectual eminence, which, I hope awaits them. And if the Legislature possessed the legitimate power to suppress this evil, without the infraction of private rights, I should rejoice to see it exercised. But the most deliberate reflection upon this subject, aided by the powerful arguments to be drawn from the dearest interests of human society, have not been sufficient to convince me, that it falls within the appropriate sphere of direct legislative action. That the legislature may regulate the sale of spirits, after it becomes a part of the common mass of property in the State, in the way of taxation, is readily admitted. But the evil is not alone, or so much in the selling, but it is in the drinking. And it will hardly be contended, that it would be competent for the Legislature to punish the drinking of ardent spirits.

I therefore, with great deference to the judgment of others, incline strongly to the opinion, that the correction of this great evil, must be left to the slow, but certain operation of enlightened public opinion.

Under the thirteenth section of the act of 23d December last, I appointed the Hon. Reuben Saffold, of Dallas, William H. Robertson and William Jones, Jr. of the city of Mobile, Esq's Commissioners to inquire into the expediency of establishing a public Warehouse or Warehouses, in the city of Mobile, &c. Their Report has not been received, but is daily expected, and from their acknowledged abilities, it is natural to conclude, that it will place this subject in a proper point of view.

My own opinions are decidedly in favor of the system proposed. I think, it would have the effect of securing to the planter a much more effectual control over his crop, after it is carried to

cast upon them. That your legislation upon this as well as other subjects, calculated to effect the character and prosperity of our great commercial emporium, (for such Mobile must from her situation always be) will be characterized by a spirit of wisdom and enlightened liberality, I entertain the most confident expectation. For, although it may be true, that in the business transactions of that city, like all others, cases of hardship, imposition, and injustice, may have occurred, yet, it should always be remembered, that vice and moral delinquency, in whatever form they may exhibit themselves, are attributable to individual imperfection or depravity, not to general classes of men, or particular pursuits.

The revised Military Code prepared by Generals Crabb and Bradford, and adopted at the last session, for the government of the Militia of this State, has not been sufficiently tested by time and experience, to speak with certainty of the merits of the system. Those, who have partially carried the principles of the system out in practice, speak in terms of high approbation of it. Under the requirements of the act for that purpose, I appointed Col. Henry L. Martin to prepare an Index, to it, who performed that duty in a manner, which it is believed, will meet the approbation of the Legislature.

That illustrious individual to whom, more than to any other, we are indebted for the blessings we enjoy, has said, that a well regulated Militia is the best safeguard of public liberty. This alone, is sufficient to entitle the subject to the most deliberate consideration of the General Assembly.

The organization of the Judicial Department of the Government, is still imperfect in many respects, but mainly for want of a separate Court of Chancery. Looking to the Judiciary as decidedly the most important of the three Departments, for the reason, that it is peculiarly the one charged with the administration of the laws, and the protection of individual rights, it is a matter of the highest importance, to have the organization of this Branch of the Government as perfect as possible.

The present system of blending in the circuit courts, Common Law and Equity Jurisdiction, was evidently a mere expedient, only intended to subserve the public convenience, until the wants of the people should induce the necessity for a change, or a more perfect system could be devised.

In many parts of the State, the want of a separate Court of Chancery amounts, almost to a denial of justice. For, to say nothing of the numerous, and most important class of cases, of which, under a well organized Judiciary System, that Court would have exclusive cognizance, it is a matter of rare occurrence, in many of the Circuits, to obtain a final decree in a cause of any importance, within a reasonable time, in consequence of the want of time, and other difficulties inseparably connected with the present system. I therefore respectfully recommend to you the propriety of establishing a separate Court of Chancery.

There are at present nine Judicial Circuits. Perhaps the most convenient and practicable plan would be to divide the State into three Districts, each consisting of three Judicial Circuits, so as to equalise the labor of the Chancellors, and diffuse the benefits of the system as generally as possible, and appointing a Chancellor for each District, and requiring him to reside in it. It is proper to remark, that it is important to the success, and the utility of the system, that a sufficient salary should be attached to the office of Chancellor to command the first order of talents.

Although decidedly in favor of an economical administration, there is another class of officers whose salaries are entirely inadequate. I allude to the Secretary of State, the State Treasurer, and the Comptroller of Public Accounts.

Nothing adds more to the importance of a State, than the character of its public officers, and in order to enable them to maintain that dignity, which is due to their official stations, they ought to be liberally paid. It is true that the employment and duties of these offices do not consume all the time of the officers employed in them. But then they occupy so large a portion of it, as to preclude the possibility of their engaging in any other business, without incurring the risk of neglecting their official duties. My own opinion is, that they ought to receive at least fifteen hundred dollars, each.

I also respectfully recommend to you the propriety of placing the office of Attorney General on a different footing, by requiring that officer to give legal opinions to the different Executive officers, whenever they might require it, in relation to the discharge of their official duties; to attend to business in which the State may be a party in the Supreme Court; prepare bills on important subjects, whenever he might be required by Committees of the Legislature; and repealing that part of the law, which requires him to act as Solicitor.

The boundary line between this State and Georgia, is still unsettled. It will be recollected, market, and would, it is believed, to a great extent relieve our commission merchants, resident in the city of Mobile, from the numerous imputations, that have been, either justly, or unjustly,



that an attempt was made in 1826, to run this by the co-operation of the two States, which resulted in a disagreement between the Commissioners. I beg leave again especially to press upon you the necessity of providing some mode of finally disposing of a question, that will increase the difficulty the longer it is postponed. Indeed it has been delayed longer already, than the honor and dignity of the State would justify.

I have the honor to transmit to you copies of Joint Resolutions of the Legislatures of Maryland and Mississippi, in relation to an extension of the franking privilege; of the State of Arkansas in relation to the public domain; of the Legislatures of Ohio and Rhode Island, upon the subject of the annexation of Texas to the United States; of the Legislature of Georgia in relation to the alledged refusal of the Governor of Maine to deliver up to the Executive authorities of Georgia certain fugitives from justice; and of the Legislature of Kentucky in relation to the currency, and administration of the General Government; all of which, I am requested by the Governors of the aforesaid States to lay before you. Most, if not all of these Resolutions relate to subjects intimately connected with the rights of the individual States of this Union, and I recommend them to your deliberate and respectful consideration.

Entertaining the opinions I do, with respect to the relative powers of the State and Federal Government, and believing that the success, as well as the perpetuity of our institutions depend upon confining each to the sphere of action prescribed for it by the Constitution, I have intentionally avoided introducing any question of general politics to your notice, in this communication. It has nevertheless, been a source of the highest gratification, in the great conflict, that has been going on between the friends of a National Bank, and the advocates of a Constitutional Treasury, to perceive that a large majority of the people of this State have taken their stand on the high ground of constitutional liberty.

Indulging the hope, and cherishing the belief, that you will enter upon the duties before you, in a spirit of mutual conciliation and elevated patriotism, I fervently beseech the Supreme Law Giver of the Universe, to overrule, and direct all your deliberations, so as to promote the interests and welfare, the honor and happiness of the people of the State of Alabama.

A. P. BAGBY.

Mr. Winn, moved that the message and accompanying documents be laid upon the table and that one thousand copies of the message be printed for the use of the House. Mr. Hall, moved that five thousand copies be printed which was carried.

Mr. Martin presented the petition of John H. Garrett, a citizen of the county of Cherokee, alledging informality and fraud in the management of the election of George Clifton, the Representative from Cherokee county, and praying the House to enquire into the validity of such election, which was read and referred to the committee on privileges and elections.

Mr. McAlpin of M. offered the following Resolution: *Resolved*, That in all elections hereafter to take place in the House, or upon a union of both Houses, members shall be required to vote when their names are called, and should any member refuse to vote when his name is called, unless absent when such call shall take place, shall not be allowed to vote and that the Senate be respectfully requested to pass a similar resolution, so far as regards elections by both houses, which was read and referred to the select committee appointed to draft rules for the government of this House.

Mr. Phillips, introduced a bill to amend judicial proceedings at common law in regard to suits against co-partners, which was read and ordered to a second reading on to-morrow.

And then the House adjourned till to-morrow 10 o'clock.

*Wednesday, December 5, 1838.*—Mr. Abraham Warren, the member elect from the county of Dale, appeared within the Hall of the House, was qualified and took his seat.

Mr. Speaker, announced the following members of the committee to apportion the Representatives to the several counties and to lay off the senatorial districts agreeably to the late census, to wit: Messrs. Williams, of T. Moore of M. Meade, McAlpin of M. Andress, Baker, High, Weissenger, Cook, of L. McAlpin of G.

Payne, Shields, McConnell, Smith of D. Abercrombie, Crayton, Booth and Crenshaw. Agreeably to a resolution of the House Mr. Speaker proceeded to appoint the following standing committees, to wit:

A Committee on Privileges and Elections—to consist of Messrs. Abercrombie, Crayton, Martin, Crenshaw, Bolling, McMillion, Philpot, Jones of P. Jones of B. Earle, Henderson and Rogan.

A Committee on Enrolled Bills—to consist of Messrs. Hilliard, Crawford, McAlpin, of G. Clifton of D. McMillion, Weissinger, Shortridge and Mason.

A Committee on Inland Navigation—to consist of Messrs. Tarver, Carmak, Mitchell, McAllister, Grigsby, Morris and Garner.

On State Printing—Messrs. Searcy, Earle, Williams, of T. Withers, Carmack and Wynn.

On the Military—Messrs. Booth, Harrison, Taylor, of M. Taylor of F. Rutherford, Henderson Harris, Boston, Hammond, Moore of W. McConnel, Wright, Philpot, Wynn and Warren.

On the State Bank—Messrs. Moore, of Mad. High, Smith, of M. Phillips, Walker, Baker, Shortridge, Searcy, McAlpin, of M. McClanahan, of M. Hall, Ellis, Shields, Findley and Hampton.

On Accounts—Messrs. Weissinger, Bates, Crayton, Vining, Peters, Walker, Simmons, Baldwin, Garner, McAllister and Wynn.

On County Boundaries—Messrs. Martin, Withers, Smith, of D. Simmons, Douglass, Golding, Jones of C. Hollis, Holley, Hancock, Murphey and Williams, of J.

On Divorce and Alimony—Messrs. Phillips, Shortridge, Neely, McClannahan, of S. Kennedy, Creagh, Blassingame, Godbold, Hancock, Jones, of B. Jones, of C.

On Education—Messrs. Shields, Hillard, Clifton, of D. Mills, Crawford, Tarver, McAlpin, of G. Earle, Payne, Crenshaw, Priest and McMillion.

On Lands appropriated to Internal Improvements—Messrs. Vining, Priest, Esselman, Hogg, Mason, Clifton, of C. Smith, of D. Hammond, Golding, Holley, Hollis and Slater.

On Internal Improvements—Messrs. Porter, Payne, Mills, Young, Hilliard, Baldwin, Cook, of L. Vining, Rogan, Bolling, Peters, McClannahan, of M. McClannahan of S. Moore, of Mar. and Bates.

On Propositions and Grievances—Messrs. Payne, Address, Taylor, of F. Wilson, Clifton, of C. Mitchell, Morrow, Clanton, Hogg and Warren.

On Roads, Bridges and Ferries—Taylor, of F. Taylor, of M. Cook, of F. Simmons, Williams, of J. Douglass. Morrow, Golding, Slater, Boston and McKnight.

On Inland Navigation—Messrs. Baker, Tarver, Abercrombie, Meade, Martin, Moore, of Mar. McAllister, Mills, High, Grigsby, Morris, Blassingame, Neely, Garner, Philpot, Finley Carmack and Mitchell.

On the State Capitol—Messrs. Williams, of T. Searcy, Ellis, Kennedy and Wright.

On Ways and Means—Messrs. Cook, of L. Weissinger, Esselman, Meade, Peters, Jones, of P. Clanton, Neely, Andrews, Godbold and Cook, of F.

On Agriculture—Messrs. Finley, Moore, of Mar. Moore of W. Sommers, Rutherford, Hampton, Hollis and Wilson.

On the Judiciary—Messrs. Young, Porter, Phillips, Hilliard, McAlpin, of G. Booth, M'Clannahan, of S. McConnel, Shortridge, Martin, Williams, of T. Shields, Kennedy, Mills, Moore, of Mad. Neely, Bolling and Crenshaw.

On Rail Roads—Messrs. Payne, Grigsby, Clifton, of D. Meade, Earle, McAlpin, of M. and Crayton.

Mr. Speaker, laid before the House, the annual Report of the Comptroller of public accounts; and also statements shewing the amount of money drawn from the treasury, growing out of the late Seminole and Creek Indian disturbances, pursuant to acts of appropriation by the General Assembly of the State of Alabama, which were read, laid on the table and one hundred copies ordered to be printed.

Mr. Speaker, laid before the House, the record and decree of the circuit court of Greene county, divorcing Martha Roberts from her husband William Roberts, which was read and referred to the committee on Divorce and Alimony. Also, the record and decree of the circuit court of Greene county, divorcing Caroline L. Neely, from her husband Jabal L. Neely, which was read and referred to the committee on Divorce and Alimony. Also, the record and decree of the circuit court of Morgan county, divorcing Elizabeth Dance from her



husband Henry B. Dance, which was read and referred to the committee on Divorce and Alimony.

Also, a report of the Branch of the Bank of the State of Alabama at Mobile, which was read and referred to the committee on the State Bank. Also, a report of the branch bank of the State of Alabama at Montgomery, which was read and referred to the committee on the State Bank. Also, the report of the commissioners appointed by the Governor to examine the condition of the Planters' and Merchants' bank at Mobile, which was read and laid upon the table. Mr. McClannahan of M., moved to reconsider the vote on refusing the report of the branch Bank at Mobile to the committee on the State Bank, which was carried. Mr. Moore of M., then moved to lay the report on the table, which was carried.

Mr. Murphey, introduced a bill to divorce John Hughs, from his wife Rosana Hughes, which was read a first time and ordered to a second reading on tomorrow.

Mr. Young, presented the petition of sundry citizens of Greene county, praying the General Assembly to grant G. A. Wyser & co. and their associates leave to erect a bridge across the Black Warrior river in said county. which was read and referred to the committee on roads, bridges and ferries.

Mr. Speaker, laid before the House, the annual report of the Treasurer of this State, which was read, laid on the table and one hundred copies ordered to be printed.

Mr. Bolling, presented the petition of Henry Hunter, praying the General Assembly to authorise him to erect a gate on the road leading from the Alabama river in Dallas county to the high way leading from Portland to Barbersville, which was read and on motion of Mr. Bolling, referred to a select committee composed of the delegation from Dallas county. Ordered that Mr. Bolling be added to said committee.

On motion of Mr. Harrison, *Resolved*, That the committee on the State Bank enquire into the expediency of so amending the law upon the subject of suits by the state bank and branches, that they shall be required to bring suit in the county where the debtor or debtors reside.

Mr. Grigsby, offered the following resolution: *Resolved*, That the Speaker be authorised to appoint a standing committee on federal relations—and the question being taken on the adoption of said resolution was lost.

Mr. Morris, presented the petition of sundry citizens of this State, praying the Legislature, to pass a law prohibiting the retail of ardent spirits within the limits of this State, which was read and referred to the committee on the judiciary.

Mr. McAlpin of M. presented the petition of sundry owners, masters, pilots, engineers and other officers of steam-boats, praying the passage of a law forbidding the employment of persons of colour (free or slaves,) as officers in any capacity, which was read and referred to the committee on Inland navigation.

Also, the petition of sundry citizens of Mobile county, praying for the removal of an election precinct therein named, which was read and referred to the committee on privileges and elections. Also, the petition of sundry citizens of Mobile county, praying the discontinuance and establishment of certain election precincts therein named, which was read and referred to the committee on privileges and elections.

Also, the petition of C. W. Eichner, praying the passage of a law to establish pilotage on the Tensaw river and branches, which was read and referred to the committee on inland navigation.

Accounts were presented by messrs. Hall, Crenshaw, Phillips, McAlpin, of G. Clanton, Searcy and Moore, of Mad., which were severally read and referred to the committee on accounts.

Mr Martin, presented the petition of Hagel Littlefield and others, praying the passage of a law, authorising him to erect a mill on the branch of the Coosa river in the county of Benton, which was read and referred to a select committee consisting of Messrs. Martin, Morris and McConnel.

Mr. Morris, presented the petition of Richard Stuart, praying the General Assembly to accept a relinquishment of his right to that portion of a turnpike road leading from Wetumpka to Talladega, as therein shewn, of which he is overseer, which was read and referred to the committee on roads, bridges and ferries.

Mr. Finley presented the record and decree of the circuit court of Jackson county, divorcing Sarah Greene from her husband William Greene, which was read and referred to the committee on divorce and alimony.

Mr. Phillips presented the petition of sundry citizens of Dallas county, praying for relief for Cassandria Kelley, as therein shewn, which was read and referred to the committee on propositions and grievances.

Mr. McClannahan, of S. presented the petition of Levi Williams and others, praying the passage of a law authorising the said Levi Williams to erect a mill on Coosa river in Shelby county, which was read and referred to a select committee, consisting of the delegation from Shelby county.

Mr. Finley presented the petition of sundry persons, members and friends of the Methodist Episcopal Church in Jackson county. praying the passage of a law authorising John McNary, to convey a certain tract of land therein named to Jacob Gross, John Cunningham, Robert Parks, Thomas J. Wood, Joseph L. Kirby, William D. Parks and Thomas D. Kirby, which was read and referred to the committee on the judiciary.

Mr. Carmarck presented the petition of sundry citizens of Lauderdale county, praying for the passage of a law to do away grog shops and tipling houses, which was read and referred to the committee on propositions and grievancies. Mr. Carmack also, presented the petition of a number of ladies praying for the passage of a law to do away grog-shops and tipling houses which was read. Mr. Jones, of B. moved to lay the petition on the table which was lost. Mr. Carmack moved to refer the petition to the committee on propositions and grievances, which was carried.

Mr. Blassingame presented the petition of sundry citizens of Perry county, praying the General Assembly to amend the laws in relation to schools and school lands, which was read and referred to the committee on education.

Mr. Moore of Mad., presented the petition of Samuel Smithars and others, citizens of township three, and range one west, in the county of Madson, praying for relief as therein shewn, which was read and referred to the committee on education.

Mr. Boston presented the petition of sundry citizens residing in fractional township No. 3 range 9 west, in the county of Lauderdale, praying the General Assembly to appoint commissioners for certain purposes therein named, which was read and referred to the committee on education.

Mr. Taylor, of M. presented the petition of R. W. Anderson, praying the passage of a law to cause patents to be issued for all donation land, not heretofore patented, and have all fees paid out of the canal, or some other fund, which was read and referred to the committee on propositions and grievances.

On motion of Mr. Shortridge. *Resolved*, That the committee on privileges, and elections be instructed to inquire into the expediency of establishing an election precinct at Harrowgate Springs, in the county of Montgomery.

Mr. Porter, introduced a bill for the advancement of the agriculture, commerce and industry of Alabama, which was read a first time. Mr. Priest moved that the bill be laid upon the table, and that one hundred copies be printed for the use of this House. Mr. Carmack moved to postpone the further consideration of the bill until the first day of March next, which was lost. Mr. Carmack, then moved to postpone the further consideration of the bill until Monday the 17th inst. Mr. Speaker, pronounced the motion out of order, upon which Mr. Carmack appealed to the House, and the question taken upon the decision of Mr. Speaker, it was sustained—the question then recurred on the motion of Mr. Priest, to lay on the table and that one hundred copies be printed, and was carried.

Mr. McClannahan, of S. presented the report of Alexander Bowie, president of the board of Coosa river commissioners, which was laid on the table and one hundred copies ordered to be printed.

Mr. Taylor, of F. introduced a bill for the relief of certain persons therein named, which was read the first time and ordered to a second reading on to-morrow.

Mr. Rogan, introduced a bill for the support of paupers in the county of St. Clair, which was read the first time and ordered to a second reading on to-morrow.

Mr. Williams, of T. introduced a bill requiring Justices of the peace, to give bond and security before they enter upon the duties of their office, which was read a first time and ordered to a second reading on to-morrow.

Mr. Mitchell introduced a bill to change the time of holding the winter term of the county court of Tuscaloosa county, which was read the first time and ordered to a second reading on to-morrow.

Mr. Morris, introduced a bill to amend and consolidate the law in relation to county Treasurers, which was read the first time and Mr. Morris moved that the bill be made the special order of the day for Tuesday next, and that one hundred copies be printed for the use of this House, which was carried.

Mr. Crenshaw introduced a bill to regulate judicial proceedings in courts of law and for other purposes, which was read a first time and ordered to a second reading on to-morrow.

Mr. McAlpin, of M., introduced a bill to incorporate a fire engine company therein named, which was read the first time and ordered to a second reading on to-morrow.

On motion of Mr Hampton, *Resolved*, That the committee on the State Bank and Branches inquire into the expediency of reducing the rate of interest to six per cent. on the extended debt, and seven per cent debt due said State Bank and Branches.

Mr Mason introduced a bill to repeal so much of the first section of the fourth chapter of the militia code of this State, approved December 20th, 1837, as provides that no person be eligible to either of the offices of the militia of this State above the rank of captain, unless he be at the time of election, a commissioned officer in the militia or volunteers, or shall have served three years as a commissioned officer in the militia or volunteers of this State; which was read the first time, and ordered to a second reading on to-morrow.

Mr Priest introduced a bill for the benefit of the sixteenth sections in this State; which was read the first time. Mr Porter moved to lay the bill upon

the table, and that one hundred copies thereof be printed for the use of the House; which was carried.

Mr Philpot introduced a bill to change the time of holding the county courts in the county of Morgan; which was read the first time and ordered to a second reading on to-morrow.

On motion of Mr Taylor of F. *Resolved*, That the committee on the State Bank be instructed to inquire into the most expedient way, if any their can be, to grant relief to the debtors to the State Bank and its several Branches in this State; with leave to report by bill or otherwise.

Mr Hogg introduced a bill to change the time of holding the county court of Autauga county; which was read a first time and ordered to a second reading on to-morrow.

On motion of Mr Crenshaw, *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so altering the laws in relation to trials before Justices of the Peace, that the two Justices of the Peace in each beat throughout the State, may preside jointly in all trials, and hold their courts at their place of election in their respective beats monthly, and in case of appeal by either of the parties litigant, that the Constable in each beat be authorized to summon a jury of seven men to try said appeal, at the next monthly court of said Justices.

*Resolved, further*, That said committee be instructed to inquire into the expediency of abolishing the common law jurisdiction of the county courts of the several counties in this State; with leave to report by bill or otherwise.

Mr Moore of W. introduced a bill to authorise the continuance of a company beat in the county of Wilcox with a less number than forty privates; which was read a first time and ordered to a second reading on to-morrow.

Mr Kennedy introduced a bill to provide for the support of paupers in the county of Bibb; which was read a first time and ordered to a second reading on to-morrow.

Mr Porter moved to suspend the consideration of the orders of the day for the present; which was lost.

The House then proceeded to the consideration of the orders of the day.

A bill to establish by law, muster days in the first Division, was read a second time and referred to a select committee, consisting of Messrs Wynn, Boston and Carmack.

A bill to repeal an act entitled an act to repeal an act exempting certain property from levy or sale by virtue of an execution, so far as regards the county of Henry; read the second time. Mr Murphy moved to dispense with the constitutional rule requiring bills to be read on three several days, and to give the bill a third reading forthwith; which was lost. The bill was then ordered to be engrossed for a third reading on to morrow.

A bill to be entitled an act to regulate the time of holding the county courts for the county of Butler, was read a second time. Mr Crenshaw moved to dispense with the constitutional rule requiring bills to be read on three several days, and give the bill a third reading forthwith; which was carried. The bill was then read a third time and passed. *Ordered*, that the title be as aforesaid, and that the bill be sent to the Senate for their concurrence.

A message was received from the Senate by Mr Withers, their Secretary, to wit:—Mr Speaker: The Senate have adopted the following resolution: *Resolved*, That a committee of three be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Repre-

sentatives, to examine the Comptroller's and Treasurer's offices, to report to the Senate the condition of said offices, and whether the Comptroller and Treasurer have discharged their duties strictly according to law; and have appointed on their part, Messrs Hudson, Dent and Rice; in which they ask the concurrence of your honorable body. In which resolution the House concurred—Whereupon, Messrs. McAlpin of G. Williams of T. and McAlpin of M. were appointed a committee on the part of the House. *Ordered*, that the clerk acquaint the Senate therewith.

A bill to incorporate the town of Jacksonville in the county of Benton, was read a second time; and ordered to be engrossed for a third reading on to morrow.

A bill to abolish imprisonment for debt was read a second time; and referred to the committee on the Judiciary.

A bill to amend judicial proceedings at Common Law, in regard to suits against co-partners, was read the second time and referred to the committee on the Judiciary.

A bill for the better protection of slaves in certain cases, was read the second time, and referred to the committee on the Judiciary.

A bill for the encouragement of Agriculture, and of the Domestic Industry of this State, was read the second time, and referred to the committee on Agriculture.

A message was received from his Excellency the Governor, by Mr Gooch, his private Secretary:

EXECUTIVE DEPARTMENT, Tuscaloosa, Dec. 5, 1838.

Sir: I have the honor to lay before the House of Representatives, the reports of the Bank Commissioners of the State of Alabama, appointed under the act of the twenty-third December, 1837.

A. P. BAGBY.

To the Hon. Jas W McClung, Speaker of the House of Representatives.

Mr Smith of M. moved that the documents accompanying the message be laid upon the table, and that five thousand copies thereof be printed in pamphlet form; which was carried.

The joint resolution in relation to the Library Room was read the second time. Mr Kennedy moved to refer the resolution to the committee on Ways and Means, which was lost. The resolution was then ordered to be engrossed for a third reading.

Mr McClannahan of S. who voted in the majority, moved to reconsider the vote on referring the report from the Branch Bank at Montgomery to the committee on the State Bank and Branches; which was carried. Mr McClannahan of S then moved to lay the report on the table, which was carried.

And then the House adjourned till to-morrow ten o'clock.

*Thursday, Dec. 6.*—A message was received from the Senate by Mr Childress, their assistant secretary.—Mr Speaker: The Senate have adopted the following resolution: *Resolved*, That with the concurrence of the House of Representatives, the two Houses will assemble in the House of Representatives on Saturday next at twelve o'clock, M. for the purpose of electing a Secretary of State, Comptroller of Public Accounts and State Treasurer. Mr McConnell moved to amend the resolution of the Senate, by adding thereto the following: "also, the election of a Judge of the county court of Talladega;" which was carried. Mr Finley moved to amend by adding "also, the election of a Judge of the county court, for the county of Jackson; which was carried. Mr Golding moved to amend by inserting "also, a Judge of the county court for the county of Marshall;" which was carried. The resolution as amended was then concur-

red in. *Ordered*, that the clerk acquaint the Senate therewith, and ask their concurrence.

Mr Speaker laid before the House, the record and decree of the circuit court of Limestone county, divorcing Lucretia S. Tate from her husband Griffith Tate. Also, the record and decree of the circuit court of Morgan county divorcing John Youngblood from his wife Elizabeth Youngblood. Also, the record and decree of the circuit court of Limestone county, divorcing Eliza A F Anderson from her husband Edmund R Anderson. Also, the record and decree of the circuit court of Madison county, divorcing Elizabeth Greene from her husband John M. Greene. Also, the record and decree of the circuit court of Jackson county, divorcing John P. Hall from his wife Mary Hall; which were severally read and referred to the committee on Divorce and Alimony.

Accounts were presented by Messrs McClannahan of S. McClannahan of M. Crayton, Abercrobie, Esselman, Baldwin, McMillion, McConnell, Smith of D. Shortridge and Booth; which were severally read and referred to the committee on Accounts.

Mr Wynn presented the memorials of sundry citizens of the State of Alabama, praying the General Assembly to pass a law to prohibit the retail of spiritous liquors; which were severally read and referred to the committee on Propositions and Grievances.

Mr Payne presented the memorial of sundry citizens, praying the establishment of a Branch of the Bank of the State of Alabama at Gainesville; which was read and referred to the committee on the State Bank.

Mr Simmons presented the petition of sundry citizens of Bibb county, praying the establishment of an election precinct; which was read and referred to the committee on Privileges and Elections.

Mr Bolling presented the petition of sundry citizens of the county of Conecuh, praying for an appropriation to improve the navigation of Conecuh river; which was read and referred to the committee on Internal Improvement.

Mr Vining presented the memorial of sundry citizens of Madison county, praying the passage of a law to prohibit the retail of spiritous liquors; which was read and referred to the committee on Propositions and Grievances.

Mr Clifton of C. presented the petition of sundry citizens of Cherokee, praying the passage of a law prohibiting the retail of spiritous liquors; which was read and referred to the committee on Propositions and Grievances.

Mr McAlpin of M. presented the petition from the officers of the Insurance Companies of Mobile; which was read and referred to the committee on the Judiciary.

Mr Peters presented the petition of sundry citizens of Shelby county, praying an alteration in the road laws as therein shewn; which was read and referred to the committee on Roads, Bridges, and Ferries.

Mr Douglass presented the petition of sundry citizens of the county of Lauderdale, praying for an increase in the fees of Constable in certain cases; which was read and referred to the committee on the Judiciary.

Mr Vining presented the petition of F T Mastin and others, praying the passage of an act to incorporate the Union Hotel Company; which was read and referred to a select committee, composed of the delegation from Madison county.

Mr Boston presented the petition of sundry citizens of Lauderdale county, praying for the establishment of an election precinct therein named; which was read and referred to the committee on Privileges and Elections.

Mr McMillion presented the petition of sundry citizens of Tuscaloosa county,

praying to be attached to the county of Jefferson; which was read and referred to the committee on County Boundaries.

Mr Porter presented the petitions of two thousand four hundred and fifty three citizens of the state of Alabama, all praying for the abolition of the retail of spirituous liquors in this State; which were severally read and referred to the committee on Propositions and Grievances.

Mr Smith of D. presented the petition of John Mitchell and others on the subject of the sixteenth sections, which was read, and on motion of Mr Smith of D. referred to a select committee, composed of the delegations from the counties of Marshall, De Kalb, Cherokee and Benton.

Mr Golding presented the petition of William Willbourn and others, on the subject of sixteenth sections, which was read, and on motion of Mr Golding, referred to a select committee, composed of the delegations from the counties of Marshall, De Kalb, Cherokee and Benton.

Mr Simmons presented the petition of sundry citizens of Pike county, praying for relief for William E. Davis as therein shewn; which was read and referred to the Military Committee.

Mr Clifton of C. presented the petition of Lemuel Standiffee, praying for additional compensation as census taker for the county of Cherokee; which was read and referred to the committee on Propositions and Grievances.

Mr Bolling, from the select committee to which was referred the memorial of Henry Hunter of Dallas county, reported a bill for the relief of Henry Hunter, and recommended its passage. The bill was read and ordered to a second reading.

On motion of Mr McClannahan of S. *Resolved*, That the committee on Privileges and Elections be instructed to inquire into the expediency of discontinuing an election precinct at Mrs Hithy Pledger's, in the county of Shelby.

On motion of Mr Garner, *Resolved*, That the committee on Privileges and Elections, be instructed to inquire into the expediency of abolishing by law, the course heretofore pursued by candidates aspiring to office, of electioneering and treating, with leave to report by bill or otherwise.

On motion of Mr Jones of B. *Resolved*, That the committee on the Judiciary inquire into the expediency of so amending the constitution of this State as to give to the people the right of electing their own county Judges; and report thereon.

On motion of Mr Baldwin, *Resolved*, That the committee on the State Bank be, and they are hereby authorised and requested to take into consideration the expediency of authorising the Branch Bank at Montgomery, to deal in business paper, not having a longer time to run than ninety days.

Mr Shields introduced a bill to regulate damages in the Supreme Court which was read the first time and ordered to a second reading.

On motion of Mr Morris, *Resolved*, That there be raised a standing committee on Indian Affairs—whereupon, messrs Morris, Godbold and Martin, were appointed said committee.

On motion of Mr Grigsby, *Resolved*, That the committee on Education inquire into the expediency of passing a law to authorise the citizens of each township in this State, to sell the sixteenth section, when a majority may deem such a sale necessary, and apply the proceeds in any way they may think most efficient to promote education; with leave to report by bill or otherwise.

Mr Clanton introduced a bill to incorporate the Auburn Academy in the county of Macon; which was read a first time and ordered to a second reading.

Mr Shields introduced a bill relating to bills of exchange; which was read a first time and ordered to a second reading.

Mr Shields introduced a bill, to allow the Judges of the Supreme Court to take acknowledgement of deeds, which was read a first time and ordered to a second reading.

Mr Crayton introduced a bill to incorporate Lickaa Academy; which was read a first time and ordered to a second reading.

Mr Finley introduced a bill to authorise the Judge of the county court and Commissioners of roads and revenue for the county of Jackson, to levy and collect a tax; which was read a first time and ordered to a second reading.

Mr Payne introduced a bill to authorise a lottery to remove the obstructions in the Suckanachee River; which was read the first time and ordered to a second reading.

Mr Payne introduced a bill to authorise a lottery to remove the obstructions in the Noxubee river; which was read the first time and ordered to a second reading.

Mr McClannahan of S introduced a bill to regulate Dower; which was read the first time and ordered to a second reading.

Mr Blassingame introduced a bill to repeal in part an act, entitled an act to revise and amend the laws in relation to schools and school lands, approved twenty fifth December, 1837; which was read and ordered to a second reading.

Mr Phillips introduced a bill to develope and improve the internal resources of the State of Alabama; which was read the first time and ordered to a second reading. Mr Clifton of C moved that one hundred copies be printed for the use of the House; which was carried.

Mr Simmons introduced a bill, permanently to locate the seat of justice in the county of Pike, and for other purposes; which was read the first time and ordered to a second reading.

Mr Smith of D. introduced a bill to compensate the Commissioners of Revenue and Roads in the county of De Kalb; which was read the first time and ordered to a second reading.

Mr Morris introduced a bill to repeal in part the laws in relation to attachments; which was read the first time and ordered to a second reading.

On motion of Mr Henderson, *Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the constitution of the State of Alabama, as to bring assault and battery cases before Justices of the Peace, with power to summon a jury in such cases; with leave to report by bill or otherwise.

Mr McAlpin of M. offered the following resolution: *Resolved*, That on Monday next, this House will commence and continue to hold evening sessions.— Mr Baker moved to lay the resolution on the table. Mr Kennedy moved to postpone the further consideration of the resolution until Monday next; which was carried.

On motion of Mr Mason, *Resolved*, That a committee of five be appointed to prepare a memorial to the Congress of the United States, setting forth the advantages that will result to this State, and particularly to those inhabitants of this State who are settled on the public lands in the Cherokee nation lying within the limits of this State, from surveying or running out the lands within said nation, and asking that the same may be surveyed as speedily as practicable—whereupon, Messrs Mason, Vining, Meade, Finley and Smith of D. were appointed said committee.

Mr Hollis introduced a bill to change the mode of collecting the tax in the



county of Marion; which was read the first time and ordered to a second reading.

Mr Crawford offered the following preamble and resolution:

Whereas, the time of holding the general elections in this State occurs at a season of the year which is apt to be sickly; and when exposure and imprudence are generally attended with the worst consequences: and whereas, previous to, and at the time of an election, there is much political excitement: and also, an intemperate use of ardent spirits, which should be carefully avoided during the intense heat of our protracted summers, when there exists a greater pre-disposition to disease than any other time,

*Therefore, be it resolved*, That the committee on Privileges and Elections be instructed to inquire into the propriety of changing the time of holding the general election in this State. Mr Finley moved to lay the preamble and resolution on the table; which was lost. The question then recurred on the adoption of the resolution, and was carried.

Mr Porter introduced a bill for the revision of the penal code of the State of Alabama; which was read the first time and ordered to a second reading.

Mr McNight introduced a bill to incorporate the town of Wedowee; which was read the first time and ordered to a second reading.

Mr Jones of C. introduced a bill to alter the time of holding the County Court for the county of Covington and for other purposes therein specified; which was read the first time and ordered to a second reading.

Mr Harrison introduced a bill to amend the laws in relation to prison bound bonds; which was read the first time and ordered to a second reading.

Mr Hollis offered the following preamble and resolution, *Whereas* the business transacted in the Circuit Court of the county of Marion is so contracted that the proceeds arising from the office of Circuit Clerk is by no means sufficient to secure to that office the election of an individual who is competent to discharge the duties or one who will ever hold the appointment—*Therefore be it resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of uniting the Clerkships of the Circuit and County Court in said county, with leave to report by bill or otherwise, which was adopted.

Mr Morris introduced a bill to incorporate the Light Artillery Borderers, which was read the first time and ordered to a second reading.

Mr Jones of C. introduced a bill to authorise the formation of Militia companies in the county of Covington with a less number of privates than forty, and for other purposes, which was read the first time and ordered to a second reading.

On motion of Mr McKnight, *Resolved*, That his Excellency the Governor, lay before this House all the documents in his possession, not incompatible with the public interest, having reference to the dividing line betwixt this and the State of Georgia.

Mr. Porter introduced a bill to amend the law in relation to the public roads, so as to require persons to be appointed nearest their place of residence, which was read the first time and ordered to a second reading.

On motion of Mr. Cook of L., *Resolved*, That the committee on roads, bridges, and ferries, be instructed to inquire into the expediency of so amending the road laws as to authorise the Judges of the county courts, and the Commissioners of roads and revenue, to assess a tax, not exceeding four dollars on each hand liable to work on the roads in this State, to be applied to the improvement of the public roads in this State, in lieu of the ten days work now required by law, and to report by bill or otherwise.

On motion of Mr McMillion, *Resolved*, That the committee on propositions and grievances be directed to inquire into the expediency of repealing the law, now in force, granting license to retailers of spirituous liquors, and that the county courts of the several counties in this State, be permitted to levy a tax on

the sale of spirituous liquors, not higher than the sales of merchandize, and also to inquire into the propriety of repealing all laws coercing the payment of debts contracted for spirituous liquors of any kind, with leave to report by bill or otherwise.

Mr. Morris introduced a bill for the relief of Acrely Manning, which was read the first time and ordered to a second reading.

Mr. Jones of C. introduced a bill to declare Wrights creek in the county of Covington a public highway and for other purposes therein named, which was read the first time and ordered to a second reading.

On motion of Mr Warren, *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the house of Britton Akison in the county of Dale.

Mr Williams of F. introduced a bill to amend an act passed 23rd December, 1837, declaring Sipsey river a public highway, which was read the first time and ordered to a second reading.

Mr Abercrombie presented the petition of sundry citizens of Russell county, praying for legislative enactment in relation to the seat of Justice of said county, which was read and referred to a select committee, consisting of Messrs. Abercrombie, Crayton and Esselman.

On motion of Mr Payne, *Resolved*, That the committee on privileges and elections be instructed to abolish the precincts at Moscow and Broadfoots store, and to establish one at Milton, in the county of Sumter.

On motion of Mr Kennedy, *Resolved*, That the committee on Propositions and Grievances, be instructed to inquire into the expediency of passing a law, requiring the sheriffs of the different counties of this State, to take the vote at the next general election of the free voters of this State, on the subject of repealing the laws of this State; on the subject of granting license to retail spirituous liquors and that they report by bill or otherwise.

Mr McAlpin of G. offered the following resolution which was adopted, *Resolved*, That the House will forthwith proceed to the election of a committee of three, on the part of the House to act with such committee as may be elected on the part of the Senate, to examine into the affairs of the Bank of the State of Alabama.

The House then proceeded to the election of a committee, whereupon Messrs. Smith of M. Porter, and Shortridge were elected. *Ordered* that the Clerk acquaint the Senate therewith, and then the House adjourned till to-morrow at 10 o'clock.

*Friday, December 7th*—A Message was received from the Senate by Mr Childress, their assistant Secretary.

Mr Speaker: The Senate have elected on their part Messrs. Riddle, Lea and Rice a committee to act with the committee of the House of Representatives on examining the condition of the State Bank.

Mr Speaker laid before the House the record and decree of the Circuit Court of Lawrence county, divorcing Nancy Patterson, from her husband Edward Patterson. Also the record and decree of the Circuit Court of Lawrence county divorcing Mary H. Rutledge from her husband William P. Rutledge, which were severally read and referred to the committee on Divorce and Alimony.

Mr. Speaker also laid before the House a communication from the Secretary of State, accompanied with the returns of the Census for 1838, from the several counties in this State, which was read, and with the said returns referred to the select Committee appointed to apportion the Representation.

Mr Carmack presented the petition of sundry citizens of township one, range ten west, in the county of Lauderdale on the subject of sixteen sections which was read and referred to the Committee on Education.

Mr. Wynn presented the petition of David Still praying the emancipation of a certain slave, Leach, which was read. Mr. Payne moved to lay the petition on the table which was carried.

Accounts were presented by Messrs. McClanahan of S., Booth, Wynn, and McMillion, which were severally read and referred to the Committee on Indian affairs.

Accounts were presented by Messrs. Cook of F., Creagh, Harrison, Wynn and Finley, which were severally read and referred to the Committee on Accounts.

Mr. Camack presented the petition of sundry citizens of township three, range eight west, in the county of Lauderdale on the subject of 16th sections, which was read and referred to the Committee on Education.

Mr. Taylor of F., presented the petition of sundry citizens of the county of Fayette (presented the petition of sundry citizens) praying for an appropriation to remove the obstructions of the Sipsey River, which was referred to the Committee on Inland Navigation.

Mr. Slater presented the petition of sundry citizens praying for a new county off of parts of Washington and Sumter, which was read and referred to the Committee on County boundaries.

Mr. Payne presented the petition of sundry citizens praying for the incorporation of Paynesville, which was read, and on motion of Mr. Payne, laid on the table.

Mr. Young presented the petition of sundry citizens of Greene county, praying for the establishment of a Ferry on the Warrior river, which was read and referred to the Committee on roads bridges and ferries.

Mr. Boston presented the petition of sundry citizens, praying for an alteration in the mode of classing lands, which was read and referred to the Committee on Ways and Means.

Mr. Godbold presented the petition of Peter Swares, praying for leave to emancipate certain slaves, which was read. Mr. Payne moved to lay the petition on the table, which was carried.

Mr. Boston presented the petition of sundry citizens of the County of Lauderdale, praying the Legislature to pass a law to authorise James Harvey Pool to peddle and retail spirituous liquors without license, which was read and referred to the Committee on Propositions and Greivances.

Mr. Crenshaw presented the petition of sundry citizens living in the south part of Wilcox, and in the east of Monroe counties, praying for an alteration of county boundaries—which was read and referred to a select Committee, consisting of the delegation from the counties of Butler and Wilcox.

Mr. Douglass presented the petition of sundry citizens of the county of Lauderdale, praying for relief for Michael Waldorpe and John W. Powers, which was read and referred to the committee on Propositions and Greivances.

Mr. Slater presented the petition of sundry citizens, praying for the establishment of a new county, which was read and referred to the committee on County Boundaries.

Mr. Taylor of F., from the committee on Roads, Bridges and Ferries, to which was referred the petition of Richard Stewart, praying to relinquish part of a certain road therein named, reported a bill to be entitled an Act, to repeal

in part the charter of the Turnpike road, from Wetumpka to Sillacogga, which was read the first time, and ordered to a second reading.

Mr. Martin from the select committee to which was referred the petition of Hazle Littlefield and others, reported a bill to be entitled an act, to authorise Hazle Littlefield to erect a grist and saw mill, on the east bank of the Coosa river in the county of Benton, which was read the first time and ordered to a second reading.

Mr. Smith of M. offered the following preamble and resolutions:

There are now and have been for the last five years, two great political questions before the people of this Union.

The first: what is the legitimate currency of the United States under the Federal Constitution.

The second: to whose keeping shall the public revenue be entrusted when collected. These questions have been during that whole period a perpetual source of animated discussion by the people in their primary assemblies; in their Legislative Assemblies, and in their Congress Halls. To establish what is the legitimate currency, it has been strenuously urged that the Constitution has conferred on Congress the power to regulate the currency and under that power to incorporate a Bank of the United States as the only means of reducing through the medium of its Bank Bills the currency to the same uniform Standard throughout the several States, this power it is admitted by the advocates of a National Bank is not derived from any express words in the Constitution itself, but is implied from the uniform action of Congress in granting successive charters; from the adjudication of the courts of Justice, and from the current of public opinion in its favor.

On the other hand, this Legislature considers the question of implied powers put at rest by the express negative in the tenth amendment of the Constitution, wherein it is *Provided*, That the powers not delegated to the United States by this Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

This reservation of undelegated powers, is moreover put beyond a doubt by the action of the Convention that framed the Constitution in their negative, on the proposition to grant letters of incorporation, nor has the Constitution in any portion of it recognized any other currency either directly or impliedly but gold and silver, and has positively declared that nothing but gold and silver shall constitute a tender, and it is certainly a political paradox which admits of no solution, to call that which is declared by the supreme power of the Government to be no tender, the currency of the most commercial nation in the world.

In whose keeping the revenue shall be intrusted? is a question of vital importance to the American people, and the great contest is whether it shall be confided to the keeping of the agents of the Government, selected from the great mass of the people for their good morals; high standing in the community; immediately responsible to the Government under all the obligations it may think proper to exact, and all the penalties it may think proper to inflict; or to that of the Banks of a thousand, or ten thousand stockholders whose avowed object is gain, and whose responsibility from their numbers, there perpetual shiftings, and their independant relation to the Government neither appointed by it nor under its control, can never be concentrated nor safely relied upon.

From a full view of these facts, this Legislature greatly prefer agents selected by the Government itself, amenable to its orders, subject to its immediate control, punishable at its discretion, and removable at its bidding. *Therefore, be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That our Senators in Congress be instructed, and our Representatives requested, to oppose and vote against the recharter of a Bank of the United States, or the establishment of any other Bank of a similar character.

*Be it further resolved by the authority aforesaid*, That our Senators be also instructed, and our Representatives requested, to support and vote for the entire separation of the public revenue from the keeping or control of any Bank or Banks of any description whatever.

*Be it further resolved by the authority aforesaid*, That since the Constitution recognizes no other currency than gold and silver, and imperatively requires that all taxes shall be uniform and equal throughout the Union, the employment by the Government of the paper of local Banks in the collection and disbursement of its revenue amounts to a plain, and undeniable infraction of that sacred instrument, which no considerations of expediency or convenience, or no force of precedence ought long to excuse, and our Senators are hereby instructed and our Representatives requested to support and vote for some measure or scheme of policy, the object of which shall be to heal this long standing breach of the Constitution.

*And be it further Resolved by the authority aforesaid*, That Alabama has uniformly been one of the foremost among the sister States in support of Republican principles, and her citizens hail with pride the bold and manly stand taken by the Chief Magistrate of the Union, upon the finances of the Government.

*And be it further resolved*, That the Governor is hereby requested to transmit a copy of the foregoing Preamble and Resolutions to each Senator and Representative from this State in Congress.

Mr. Porter moved to amend by striking out the preamble and all after the word "Resolved" in the first resolution, and insert the following:

"That the exaction of Specie in payment of the public lands and for letter postage inasmuch as specie, during the suspension of specie payments by the several banks of this State especially, has cost the citizens of this State a premium of from fifteen to twenty percent, as operated as a heavy oppression upon the people, and created a charge upon the price of the public lands and the rates of postage, to the extent of the premium, payable for specie, not contemplatedly but in a palpable violation of the faith guaranteed by the several acts of Congress affixing the value of those lands, and the rates of postage.

*Resolved*, That that the paper of our State Bank and Branches while the faith and credit of the State are pledged for its redemption, is a fair and just equivalent for the land and postage of, and other dues to that Government likewise sustained by the people, and should be receivable by them.

*Resolved*, That a general bankruptcy law, as recommended by President Van Buren, would crush our State Banks and is not conformable to American institutions."

Mr. Young offered the following, as an amendment to the amendment which was accepted by Mr. Porter, to wit:

*Resolved*, That it is the deliberate judgment of the General Assembly of the State of Alabama, that Congress ought to pass no laws, prohibiting the reception of the notes of solvent banks, in the several States after they shall have resumed payment in specie, in the collection of all dues to the General Government."

Mr. Moore of Mad. moved to postpone the further consideration of the preamble and resolutions together with the substitute offered by Mr. Porter until Monday the 17th inst., and that two hundred copies thereof be printed for the use of the House, which was carried.

A Message was received from his Excellency the Governor by Mr. Gooch, his private Secretary.

EXECUTIVE DEPARTMENT, }  
TUSCALOOSA, DEC. 7th, 1838. }

*Gentlemen of the Senate, and of the House of Representatives*.—Herewith I have the honor to lay before you a list of the resignations that have taken place, and appointments made to offices to be filled by the General Assembly since your last adjournment.—Richard Locke, Judge of the County Court of Pike County, vice Abraham Niles resigned,—Washington T. May, Judge of the County Court of Marshall county, vice Lewis Wyth resigned. John A. Nooe, Judge of the County Court of Franklin county, vice George D. Stone, deceased. James E. Belser, Solicitor of the 8th Judicial Circuit, vice George D. Shortridge, resigned.

I have the honor to be, your obt. Servt.

A. P. BAGBY.

Mr Hilliard introduced a bill to be entitled an act, to provide for the establishment and organization of a separate Court of Chancery, which was read the first time. Mr Martin moved to lay the bill upon the table and that one hundred copies be printed, which was carried.

Mr McClanahan of M. introduced a bill to be entitled an act, to repeal in part an act therein named, which was read the first time and ordered to a second reading.

Mr Martin introduced a bill to be entitled an act, to legalize the acts of Moses H. Hugs, as sheriff of Cherokee county, which was read the first time and ordered to a second reading.

Mr Payne introduced a bill to be entitled an act, to incorporate the town of Paynesville, in the county of Sumter, which was read the first time, and ordered to a second reading.

On motion of Mr Moore of Marengo,

*Resolved*, That the Committee on the Judiciary, be instructed to inquire into the expediency of altering and amending the several laws now in force in this State, establishing Commissioners of Revenue and Roads, so as to compel said Commissioners more strictly to perform the several duties enjoined upon them by law.

*Resolved*, That said committee also inquire into the propriety of allowing said commissioners compensation for their services, or lessening the duties of said commissioners, and requiring the Judges of the county Courts to attend to, and perform some of the duties now devolving upon said commissioners of Revenue and Roads; and that said committee report to this House, by bill or otherwise.

Mr Hall introduced a bill to be entitled an act to incorporate the city of Wetumpka, which was read the first time, and ordered to a second reading.

Mr Grigsby offered the following resolution, which was adopted.

*Resolved.* That a committee of seven be appointed, whose duty it shall be to inquire into the expediency of memorializing the Congress of the United States, and ask a relinquishment to the State of Alabama, the Canal around the Muscle Shoals, on the Tennessee river.

Whereupon, Messrs. Grigsby, Mills, Vining, Priest, McConnel, Harrison and Harris, were appointed said committee.

Mr Hilliard introduced a bill, to be entitled an act, to encourage a direct export and import trade with Foreign countries, and authorise the formation of Joint Stock companies, for the purpose of dealing in foreign and domestic merchandise and produce, which was read the first time, and ordered to a second reading.

Mr Golding introduced a bill, to be entitled an act, to appoint an additional surveyor for the county of Marshall, which was read and ordered to a second reading.

Mr Shortridge introduced a bill, to be entitled, an act regulate and confer the privilege of banking, which was read the first time. Mr Baldwin moved to lay the bill on the table, and that one hundred copies of the same be printed, which was carried.

A message was received from the Senate, by Mr Withers, their Secretary.

Mr Speaker—The Senate have passed bills of the following titles, to wit: an act to change the time of holding the county court in the county of Morgan; an act to repeal an act exempting certain property from levy and sale by virtue of an execution, so far as regards the county of Henry, in which they ask the concurrence of the House of Representatives.

The bill from the Senate to change the time of holding the county courts in the county of Morgan. was read the first time, and ordered to a second reading.

The bill from the Senate, to repeal an act exempting certain property from levy and sale by virtue of an execution, so far as regards the county of Henry, passed December 2d, 1837, was read the first time and ordered to a second reading.

Mr Shortridge moved to suspended the orders of the day, which was lost.

The House then proceeded to the order of the day. The engrossed bill to incorporate the town of Jacksonville, in the county of Benton, was read the third time and passed. *Ordered*, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The engrossed bill, entitled an act to repeal an act, entitled an act, exempting certain property from levy or sale by virtue of an execution, so far as it regards the county of Henry, was read the third time and laid upon the table.

The bill to provide for the support of paupers in the county of Bibb, was read the second time, and referred to a select committee, composed of the delegation from the county of Bibb.

The engrossed joint resolution in relation to the library, was read the third time and passed. *Ordered*, that the clerk acquaint the Senate therewith, and ask their concurrence.

The bill to authorise the continuance of a company beat, with less number of privates than forty, in the county of Wilcox, was read the second time and ordered to be engrossed.

A bill to change the time of holding the county court of Autauga county, was read the second time. Mr Meade moved to amend the bill by adding thereto, an additional section, which was carried.

Mr. Meade moved to reconsider the vote on the adoption of his amendment, which was carried. Mr Hall moved to amend, by inserting the word "act" in

the third line of the second section, which was carried. The bill was then ordered to be engrossed for a third reading.

The bill to change the time of holding the county court in the county of Morgan, was read the second time, and on motion of Mr McClanahan of M. was laid on the table.

The bill to repeal so much of the first section of the fourth chapter of militia code of this State, approved December 20, 1837, as provides that no person be eligible to either of the offices of the militia of this State above the rank of captain unless he be at the time of election a commissioned officer in the militia or volunteers, or shall have served three years, also commissioned officer in the militia volunteers of this State, was read the second time and referred to the military committee.

The bill to incorporate a fire engine company therein named, was read the second time. Mr McAlpin of M. moved to amend by additional section, No. 6, which was carried—the bill as amended, was then ordered to be engrossed for a third reading.

The bill to change the time of holding the winter terms of the county court of Tuskaloosa county, was read the second time and ordered to be engrossed for a third reading.

The bill requiring Justices of the Peace to give bond and security before they enter upon the duties of their office, was read the second time—Mr McAlpin of M. moved to amend by an additional section, No. 3, which was carried, the bill was then referred to the judiciary committee.

The bill to regulate judicial proceedings in the courts of law, and for other purposes, was read the second time and referred to the committee on the judiciary.

The bill to provide for the support of paupers in the county of St. Clair, was read the second time and ordered to be engrossed for a third reading.

The bill for the relief of certain persons therein named, was read the second time and ordered to be engrossed for a third reading.

The bill to divorce John Hughs, from his wife Rosanna Hughs, was read the second time and referred to the committee on divorce and alimony.

The bill to repeal in part the law in relation to attachments, was read the second time, and referred to the committee on the judiciary.

The bill permanently to locate the seat of justice in the county of Pike, and for other purposes, was read the second time and ordered to be engrossed for a third reading.

The bill to authorise a lottery to remove the obstructions in the Suckanatchee river, was read the second time and referred to the committee on inland navigation.

The bill to repeal in part an act, entitled an act, to revise and amend the laws in relation to schools and school lands, approved, December 20th, 1837, was read the second time, and referred to the committee on Education.

The bill to compensate the commissioners of Revenue and Roads in the county of De Kalb, was read the second time, and ordered to be engrossed for a third reading.

The bill to incorporate Lickaa Academy, was read the second time, and referred to the committee on education.

The bill in relation to bills of exchange, was read the second time, and referred to the committee on the judiciary.

The bill to allow the Judges of the Supreme Courts to take acknowledgements

of deeds, was read the second time, and referred to the committee on the judiciary.

Mr Abercrombie moved that the house do now adjourn till to-morrow, 10 o'clock. Mr Porter moved an adjournment till Monday morning, 10 o'clock, in order to give the members an opportunity to attend the exercises at the University of the State of Alabama, which was lost. Yeas 27, noes 62.

The yeas and nays being desired, those who voted in the affirmative, are

Messrs Speaker, Baker, Clanton, Clifton of D. Cook of L. Garner, Godbold, Grigsby, High, Hogg, Holly, Jones of P. Martin, McAlpin of G. Meade, Mills, Mitchell, Moore of Mar. Neely, Peters, Phillips, Porter, Searcy, Vining, Weisinger, Williams of T. and Young.

Those who voted in the negative, are

Messrs. Abercrombie, Andress, Bates, Blassingame, Bolling, Boeth, Boston, Cermack, Clifton of C. Cook of F. Crawford, Crayton, Creagh, Crenshaw, Douglass, Earle, Esselman, Finley, Golding, Hammond, Hampton, Hancock, Harris, Harrison, Henderson, Hilliard, Holus, Jones of B. Jones of C. Kennedy, Mason, McAllister, McAlpin of M. McClanahan of M. McClanahan of S. McKnight, McMillon, Morris, Morrow, Moore of Mad. Moore of W. Murphy, Philpot, Priest, Rogan, Rutherford, Shields, Shortridge, Simmons, Slater, Smith of D. Smith of M. Sumners Taylor of F. Walker, Warren, Williams of J. Wilson, Withers, Wright and Wynn.

The question then recurred on the motion of Mr Abercrombie, and was carried.

And then the House adjourned till to-morrow, 10 o'clock.

*Saturday, December 8.*—A message was received from the Senate, by Mr Childress, their Assistant Secretary.

Mr Speaker—The Senate have adopted the following Resolution. *Resolved*, that with the consent of the House of Representatives, they will assemble in the Representative Hall, on Saturday, this day, at twelve o'clock, to elect a Judge of the County Court, for Tuskaloosa county.

Mr McAlpin moved to amend the resolution, by adding thereto, "also a State Printer." Mr Shortridge moved to amend the amendment, by adding thereto "and also a Solicitor for the eight judicial circuit," which was carried. The amendment was then adopted and the resolution as amended, was concurred in. *Ordered*, that the Clerk acquaint the Senate therewith, and ask their concurrence,

A message was received from the Senate, by Mr Childress their Assistant Secretary.

Mr. Speaker—The Senate concur in the message from the House of Representatives to elect Judges of the County Court for the counties of Talladega, Marshall and Jackson, on this day, Saturday, 8th December.

A message was received from His Excellency the Governor, by Mr Gooch, his private Secretary.

#### EXECUTIVE DEPARTMENT,

*Tuskaloosa, December 8, 1838.*

*Gentlemen of the Senate and of the House of Representatives:* During the last session of the Legislature, a vacancy occurred in the Board of Trustees of the University of Alabama, in consequence of the resignation of Charles D. Conner, Esq. of which you were apprised, at the time, that vacancy still exists, and it is desirable that it should be filled as early as may suit the convenience of the General Assembly.

A. P. BAGBY.

Hon. J. W. McCLUNG, *Speaker of the House of Representatives.*

Which was laid upon the table.

Mr Speaker laid before the House a communication from the Secretary of State, accompanied by a return of the census for 1838, from the county of Bibb, which was read, and on motion of Mr Sumners, was referred to the select committee on the apportionment.

Mr Speaker also laid before the House, the report of the President of the Bank of the State of Alabama, which was read, and on motion of Mr Porter laid upon the table.

Mr Martin presented the petition of citizens living in township sixteen, range seven in the county of Benton, praying for relief, as therein shewn, which was read and referred to the committee on education.

Mr Baker presented the petition of Anthony Winston, preferring charges against, and praying the House to enquire into the official conduct of Henry F.



Scruggs the Judge of the county court of Sumter county, which was read and referred to the committee on propositions and greivances.

Mr Esselman presented the petition of Marvel Gray, praying for relief as thererein shewn, which was read and referred to the committee on propositions and greivances.

Mr Carmack presented the petition and sundry documents of J. R. and S. S. Henry, asking for legislative enactment, in relation to certain difficulties therein specified, which was read and referred to the committee on inland navigation.

Mr Young presented the account of the Greensborough Light Artillery Guards, which was read and referred to the committee on Indian affair.

Mr Boston presented the petition of William Mihelpe praying the General Assembly to divorce from him his wife, formerly Polly Rowey, which was read. Mr Baker moved to lay it on the table, which was lost. Mr Hall moved to refer it to the committee on divorce and alimony, which was carried.

Mr Mitchell presented the petition of sundry citizens, praying for the abolition of the retail of spiritous liquors, which was read and referred to the committee on propositions and greivances.

Mr McMillion presented the petition of three hundred persons praying for abolition of the retail of spiritous liquors, which was read and referred to the committee on proposition and greivances.

Mr Crenshaw presented the petition of sundry citizens living in township eleven, range thirteen, in the county of Butler, praying for relief for John Coleman, Daniel W. Coleman and Thomas Waters as therein shewn, which was read and referred to the committee on propositions and greivances.

Mr McAlpin of M. presented the petition of sundry citizens of Mobile, praying for an act of incorporation of a fire company, which was read, and on motion of Mr McAlpin, was laid on the table.

Mr Weissinger from the committee on accounts, to which was referred the accounts of Jeremiah Thornton, Daniel Graham, H. P. Martin, Samuel Aliew, John Hewnal, David Spoon, Samuel Moncreif and Martin Hinsey, reported the same back to the House as improperly referred, and recommended their reference to the committee on Indian affairs, in which report the House concurred.

Mr Weissinger from the same committee to which was referred, the account of George Noble, reported the same back to the House and recommended its reference to the committee on State printing, in which report the House concurred.

Mr Phillips from the committee on Divorce and Alimony, to which was referred the record and proceedings of the Circuit Court of Greene county, exercising chancery jurisdiction, divorcing Marth Roberts from her husband William Roberts, reported a bill to divorce Martha Roberts from her husband William Roberts, which was read the first time and ordered to a second reading.

Mr. Phillips from the same committee to which was referred, the record and proceedings of the Circuit Court of Greene county, exercising chancery jurisdiction, divorcing Caroline L. Neily from her husband Jabel L. Neily, reported a bill to divorce Caroline L. Neily from her husband Jabel L. Neily, which was read the first time and ordered to a second reading on to-morrow.

Mr Finley from the committee on agriculture, to which was referred the bill for the encouragement of the agricultural and of the domestic industry of the State, reported, that it is inexpedient to legislate on the subject at present, and asked to be discharged from the further consideration of the same. Mr Porter moved to lay the report on the table, which was carried.

Mr Mason from the select committee to which was referred, the resolution for the purpose of memorialising the Congress of the United States, in relation to surveying the Cherokee lands in the limits of this State, reported a joint memorial of the Senate and House of Representatives of the State of Alabama, to the Congress of the United States, which was read and adopted. *Ordered*, that the clerk acquaint the Senate thereof, and ask their concurrence.

A message was received from the Senate, by Mr Childress their Asssstant Secretary. Mr Speaker: The Senate concur in the amendment of the House of Representatives to the resolution to go into the election on to-day for a Judge of the county Court of Tuskaloosa county.

Mr Baker from the select committee to which was referred the resolution directing a revision of the rules of the House, reported the rules heretofore adopted for the government of this House with sundry amendments as therein shewn. Mr Moore of Mad. moved to amend the report of the committee on the sixteenth rule, by inserting in the fifth branch of the same, after the word "for" and before the word "commitment" the words "indefinite postponement or," which was carried. Mr Shields moved to amend the report of the committee on the said rule, by inserting in the second branch of the same, after the word "certain," the following, "not beyond the probable duration of the session," which was carried.

Mr Williams of T. who voted with the majority on the adoption of the amendment of Mr Shields, moved a reconsideration of the vote on its adoption, which was lost. Mr Priest moved to lay the rule as amended on the table, which was lost. The report of the committee on the rule as amended, was concurred in. Mr Morris moved that the House disagree to the amendment proposed by the committee to the twenty-second rule with a view to establish the old rule, on the subject.

A message was received from his Excellency the Governor, by Mr Gooch his private Secretary.

#### EXECUTIVE DEPARTMENT, Tuskaloosa Dec. 8, 1858.

Sir: In compliance with a resolution of the House of Representatives, I have the honor to inform you that there are no documents on file in this department, having reference to the boundary line between the State of Alabama and Georgia, except copies of the correspondence between the Governors of the two States prior to the attempt to run the line in eighteen hundred and twenty-six, all the correspondence between the commissioners, as well as the report of the commissioners on the part of Alabama, was communicated to the General Assembly by his Excellency Governor Murphy, in eighteen hundred and twenty-six, and will probably be found among the archives in the Clerk's office of that date.

Signed,

A. P. BAGBY.

Hon: JAMES W. McCLUNG, Speaker of the House of Representatives.

On motion, it is ordered that the Senate be now invited into the Hall of the House of Representatives, for the purpose of going into sundry elections as agreed upon by resolutions of the two Houses.

The Senate then proceeded to the Hall of the House of Representatives and took their seats. The two Houses then proceeded to the election of a Secretary of State, Thomas B. Tunstall alone being in nomination.

Those who voted for Mr Tunstall are Messrs: President, Baylor, Cottrell, Dent, Devereaux, Ferrar, Frazier, Fleming, Henderson, Hill Hudson, King, Lee, Lloyd, McClellan McVay, Ross, Rice, Rains, Riddle, Rodgers, Simmons, Smith, Terry, Toulmin, Ward, Watrous, Wellborn, Wilson, of the Senate. Messrs: Speaker Abercrombie Andres Baldwin Baker Bates Blassingame Bolling Booth Boston Carmack Clanton Clifton of C Clifton of D. Cook of F. Cook of L Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Emley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holley Jones of B Jones of C Kennedy Martin Mason McAlister McAlpin of G McAlpin of M McClannahan of M. Mc Claunahan of S McConnel McNight McMillon Meade Mills Mitchell merris Morrow Moore of madison Moore of marengo moore of w. Murphy Neily Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D Smith of M Somers Tarver Taylor of F. Taylor of M. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Withers Wright Wynne and Young.

Mr Tunstall having received all the votes given, Mr Speaker declared him duly elected Secretary of State.

The two Houses then proceeded to the election of a Comptroller of Public Accounts, Jefferson C. Van Dyke alone being in nomination.

Those who voted for Mr Vandyke are Messrs. President, Baylor, Cottrell, Dent, Devereaux, Farrar, Frazier, Fleming, Henderson, Hill, Hudson, King, Lee, Lloyd, McClellan, McVay, Ross, Rice, Rains, Riddle, Rodgers, Simmons, Smith, Terry, Toulmin, Ward, Watrous, Wellborn and Wilson of the Senate. Messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Booth Boston Carmack Clanton Clifton of C. Clifton of D. Cook of F. Cook of L. Crawford Crayton Creagh Crenshaw, Douglass, Earle Ellis Esselman Finley Garner Godbold Golding Grigsby Hall Hammon Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Holus Holley Jones of B. Jones of C. Kennedy Martin Mason McAlister McAlpin of G. McAlpin of M. McCannahan of M. McClannahan of S. McConnell McKnight McMillion Meade Mills Mitchell Morris Morrow Moore of Mad. Moores of Mar. Moore of W. Murphy Neily Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D. Smith of M. Somnors Tarver Taylor of F. Taylor M. Vining Walker Weissinger Williams of J. Williams of T. Wilson Withers Wright Warren Wynn and Young.

Mr Van Dyke, having received all the votes given, Mr Speaker declared him duly elected Comptroller of Public Accounts.

The two Houses then proceeded to the election of State Treasurer, William Hawn alone being in nomination.

Those who voted for Mr Hawn are Messrs. President, Baylor, Cottrell, Dent, Devereaux, Farrar, Frazier, Flemming, Henderson, Hill, Hudson, King, Lee, Lloyd, McClellan, McVay, Ross, Rice, Rains, Riddle, Rogers, Simmons, Smith, Terry, Toulmin, Ward, Watrous, Wellborn and Wilson of the Senate. Messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Booth Boston Carmack Clanton Clifton of C. Clifton of D. Cook of F. Cook L. Crawford Crayton Creagh Crenshaw Douglass Earl Ellis Esselman Findley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holly Jones of B. Jones of C. Kenedy Martin Mason McAlister McAlpin of G. McAlpin of M. McClannahan of M. McClannahan of S. McConnel McKnight McMillion Mead Mills Mitchell Morris Morrow Moore of Mad. Moore of Mar. Moore of W. Murphy Neily Payne Peters Phillips Philpot Porter Priest Rogan Kutherford Searcy Shields Shortridge Simmons Slater Smith of D. Smith of M. Somnors Tarver Taylor of F. Taylor of M. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.

Mr Hawn having received the whole number of vote given, Mr Speaker declared him duly elected State Treasurer.

The two Houses then proceeded to the election of a Judge of the county Court for the county of Talladega, Greene T. McAfee alone being in nomination.

Those who voted for Mr McAfee are Messrs. President Baylor Cottrell Dent Devereaux Farrar Frazier Fleming Henderson Hill Hudson King Lea Lloyd McClellan McVay Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate. Messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blassengame Bolling Booth Boston Carmack Clanton Clifton of C. Clifton of D. Cook of F. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Findley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holley Jones of B. Jones of C. Kenedy Martin Mason McAlister McAlpin of G. McAlpin of M. McClannhan of M. McClannahan of S. McConnell McKnight McMillion Meade Mitchell Morris Morrow Moore of Mad. Moore of Mar. Moore of W. Murphy Neily Payne Peters Philips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D. Smith of M. Somnors Tarver Taylor of F. Taylor M. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.

Mr McAfee having received the whole number of votes given, Mr Speaker declared him duly elected Judge of the county Court of Talladega county.

The two Houses then proceeded to the election of a Judge of the county court of Marshall county, Peter Kilfoy and Washington T. May being in nomination.

Those who voted for Mr Kilfoy are Messrs. Farrar Hill King Lloyd Simmons Smith and Wilbourn of the Senate—and Messrs. Andress Booth Clifton of C. Crawford Crayton Creagh Earle Ellis Golding Harrison Hogg Hollis Holley Jones of B. Jones of C. Martin McAlister McAlpin of G. Meade Mills Mitchell Morris Moore of Mad. Moore of Mar. Murphy Neily Payne Philpot Porter Rogan Rutherford Searcy Simmons Slater Smith of D. Smith of M. Somnors Taylor of M. Vining Warren and Young of the House of Representatives.

Those who voted for Mr May are messrs. President Baylor Cottrell Dent Devereux Fleming Frazier Henderson Hudson Lea McClellan McVay Ross Rice Rains Riddle Rodgers Terry Toulmin Ward and

Wilson of the Senate—and Messrs Speaker Abercrombie Baldwin Baker Bates Blassingame Bolling Boston Carmack Clanton Clifton of D Cook of F. Cook of L. Crenshaw Douglass Esselman Finley Garner Godbold Grigsby Hall Hammond Hampton Hancock Harris Henderson High Hilliard Kennedy Mason McAlpin of M McKnight McMillion Morrow Moore of W Peters Phillips Priest Shields Shortridge Tarver Taylor of F Walker Weissinger Williams of J Williams of T Wilson Withers Wright and Wynn of the House of Representatives.

Mr May having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Judge of the county court of Marshall county.

The two Houses then proceeded to the election of a Judge of the county court for the county of Jackson, Thompson M Rector alone being in nomination.

Those who voted for Mr Rector are Messrs President Baylor Cottrell Dent Devereux Farrar Fleming Frazier Henderson Hill Hudson King Lea McClellan Lloyd McVay Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Welbourn and Wilson of the Senate. Messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Boston Carmack Clanton Clifton of C. Clifton of D Cook of F. Cook of L Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holley Jones of B. Jones of C Kennedy Martin Mason McAllister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McConnell McKnight McMillion Meade Mills Mitchell Morris Morrow Moore of Mad. Moore of Mar. Moore of W. Murphy Neily Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D Smith of M. Sommers Tarver Taylor F Taylor of M Vining Walker Warren Weissinger Williams of J Williams of T Wilson Withers Wright Wynn and Young of the House of Representatives.

Mr Rector having received the whole number of votes given, Mr Speaker declared him duly elected Judge of the county court of Jackson county.

The two Houses then proceeded to the election of a Judge of the County Court for the county of Tuscaloosa—M. D. Williams alone being in nomination.

Those who voted for Mr Williams are Messrs President Baylor Cottrell Dent Devereux Farrar Fleming Frazier Henderson Hill Hudson King Lea McClellan Lloyd McVay Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson, of the Senate. Messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Boothe Boston Carmack Clanton Clifton of C. Clifton of D. Cook of F. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holley Jones of B. Jones of C. Kennedy Martin Mason McAllister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McConnell McKnight McMillion Meade Mills Mitchell Morris Morrow Moore of Mad. Moore of Mar. Moore of W. Murphy Neily Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D. Smith of M. Sommers Tarver Taylor of F. Taylor of M Vining Walker Warren Weissinger Williams of J. Williams of T Wilson Withers Wright Wynn and Young of the House of Representatives.

Mr Williams having received the whole number of votes given, Mr Speaker declared him duly elected Judge of the county court, for the county of Tuscaloosa.

The two Houses then proceeded to the election of State Printer, Messrs Hale and Eaton alone, being in nomination.

Those who voted for Messrs Hale and Eaton are Messrs. President Baylor Cottrell Dent Devereux Farrar Fleming Frazier Henderson Hill Hudson King Lea McClellan Lloyd McVay Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate. Messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Boston Carmack Clanton Clifton of C. Clifton of D. Cook of F. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holly Jones of B. Jones of C. Kennedy Martin Mason McAllister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McConnell McKnight McMillion Meade Mills Mitchell Morris Morrow Moore of Mad. Moore of Mar. Moore of W. Murphy Neily Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D. Smith of M. Sommers Tarver Taylor of F. Taylor of M. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.

Messrs Hale and Eaton having received the whole number of votes given, Mr Speaker declared them duly elected State Printers.

The two Houses then proceeded to the election of a Solicitor for the 8th Judicial circuit, James E Belser alone being in nomination.

Those who voted for Mr Belser are Messrs President Baylor Cottrell Dent Devereux Farrar Fleming Frazier Henderson Hill Hudson King Lea McClellan Lloyd McVay Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Welbourn and Wilson of the Senate. Messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Boothe Boston Carmack Clanton Clifton of C. Clifton of D. Cook of F. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle

Ellis Esselman Finley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holly Jones of B. Jones of C. Kennedy Martin Mason McAllister McAlpin of G. McAlpin of M. McClanahan of M. McClannahan of S. McConnell McNight McMillion Meade Mills Mitchell Morris Morrow Moore of Mad. Moore of Mar. Moore of W. Murphy Neely Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D. Smith of M. Sommers Tarver Taylor of F. Taylor of M. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.

Mr Belser having received the whole number of votes given, Mr Speaker declared him duly elected Solicitor for the 8th Judicial circuit.

*Ordered*, that Mr Porter have leave of absence till Wednesday next.

And then the House adjourned till Monday 10 o'clock.

*Monday, Dec. 10, 1838.*—The Hon. Abner S. Lipscomb, a member elect from the county of Mobile, appeared within the Hall of the House, was qualified and took his seat.

Mr Speaker laid before the House, a communication from the Secretary of State accompanied by a return of the census, from the county of Butler, for 1838; which was read, and on motion of Mr Crenshaw, referred to the select committee on apportionment. Also, the petition of sundry citizens praying for an abolition of the laws authorizing the retail of spiritous liquors; which was read, and referred to the committee on Propositions and Grievances. Also, sundry documents in relation to the contested election of George Clifton, Esq. of Cherokee; which were read, and on motion, referred to the committee of Privileges and Elections.

Mr Hall presented the petitions of sundry citizens, praying the passage of a law, abolishing the retail of ardent spirits; which was read, and referred to the committee on Propositions and Grievances.

Mr McClanahan of s presented the petition of Thomas Mitchell of Shelby county, praying for leave to emancipate a certain slave therein named; which was read. Mr Kennedy moved to lay the petition on the table; which was carried.

Accounts were presented by Messrs. McConnell and Rutherford, which were severally read, and referred to the committee on Accounts.

Mr Phillips presented the petition of sundry citizens of Dallas county, praying the establishment of an election precinct therein named; which was read, and referred to the committee on Privileges and Elections.

Mr McAlpin of m. presented the petition of sundry citizens of Mobile, praying for the establishment of an additional Judicial Circuit; which was read, and referred to the committee on the Judiciary. Also, the petition of sundry citizens of the city of Mobile, praying the passage of a law to authorise a revision of the charter of that city; which was read and referred to the committee on the Judiciary.

Mr Boston presented the petition of sundry citizens of the county of Lauderdale, praying for an appropriation to pay for certain horses heretofore purchased for the Creek service; which was read and referred to the committee on Indian Affairs.

Mr Mills presented the petition of Richard B. Purdon and J. R. Maffhi, praying the passage of a law to authorise the clerk of the Supreme Court of this State to certify a copy of certain proceedings in his office, to the Circuit Court of Mobile county; which was read, and referred to the committee on the Judiciary.

Mr Shields presented the petition of a large number of citizens living in the counties of Sumter, Marengo and Greene, praying for an incorporation of the Farmers Banking Association, &c. which was read, and on motion of Mr

Shields, referred to a select committee, composed of the delegation from the counties of Sumter, Marengo and Greene.

A message was received from the Senate by Mr Childress, their assistant secretary. Mr Speaker: The Senate have adopted the following resolution: *Resolved*, That the two Houses will assemble this day, at 12 o'clock, to elect a Trustee to the University to fill the vacancy of C. D. Connor, resigned; in which they ask the concurrence of the House. In which resolution of the Senate, the House concurred. *Ordered*, that the clerk acquaint the Senate therewith.

The following messages were received from his Excellency the Governor, by Mr Gooch, his private secretary.

EXECUTIVE DEPARTMENT, Tuscaloosa, Dec. 10, 1838.

GENTLEMEN of the Senate and of the House of Representatives:—I have the honor to inform you, that on the 2d instant, the Hon. Walker K. Baylor, resigned the office of Judge of the County Court of Jefferson county; and on the 3d instant, the Hon. William F. Jones resigned the office of Judge of the County Court of Clarke county; and that both said offices are now vacant. A vacancy has also occurred in the office of Solicitor of the sixth Judicial Circuit, by the resignation of Gen. John P. Boothe.

Signed

A. P. BAGBY.

Hon. JAMES W. McCLUNG, Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, Tuscaloosa, Dec. 10, 1838.

GENTLEMEN of the Senate and of the House of Representatives:—I have the honor to lay before you the report of the commissioners appointed to examine into the condition of the Bank at Mobile.

A. P. BAGBY.

Hon. Jas. W. McClung, Speaker of the House of Representatives.

Which were laid on the table.

Mr Williams of T moved that the House do now go into Committee of the Whole, to take into consideration the message of his Excellency the Governor; which was carried.

The House then resolved itself into Committee of the Whole, Mr Williams of T. in the Chair; and after some time spent in consideration of the same, Mr Speaker resumed the Chair, and Mr Chairman from the committee of the Whole House, reported sundry resolutions.

Mr Carmack moved to amend the ninth resolution contained in the report by adding to the ninth resolution, the following, viz: "with instructions to report thereon as early as practicable;" which was carried. The report was then received, and concurred in; which was as follows:

*Resolved*, That so much of the Governor's message as relates to the expenditures on Indian Affairs, be referred to the committee on Indian Affairs.

*Resolved*, That so much as relates to the State Bank and the several Branches be referred to the committee on the State Bank.

*Resolved*, That so much as relates to the combination of individuals for the purpose of Banking, be referred to the Judiciary Committee.

*Resolved*, That so much as relates to the State Bank making advances on cotton, be referred to the Judiciary Committee.

*Resolved*, That so much as relates to the contract entered into between the Branch Bank at Montgomery and the Rail Road Company be referred to the Committee on the Judiciary.

*Resolved*, That so much as relates to the University of Alabama be referred to the Committee on Education.

*Resolved*, That so much as relates to Internal Improvement be referred to the Committee on Inland Navigation.

*Resolved*, That so much as relates to the apportionment of Senators and Representatives among the several counties, be referred to the Committee created for that purpose.

*Resolved*, That so much as relates to our penal code and the establishment of a Penitentiary, be referred to the Judiciary Committee, with instructions to report thereon as early as practicable.

*Resolved*, That so much as relates to the retailing of spiritous liquors be referred to the Judiciary Committee.

*Resolved*, That so much as relates to the establishment of a public Warehouse in the city of Mobile be referred to the committee on Propositions and Grievances.

*Resolved*, That so much as relates to the revised military code be referred to the Military Committee.

*Resolved*, That so much as relates to the establishing a Separate Court of Chancery be referred to the Judiciary Committee.

*Resolved*, That so much as relates to increasing the salaries of the Secretary of State, State Treasurer, and Comptroller, be referred to the Committee on Ways and Means.

*Resolved*, That so much as relates to the Attorney General be referred to Judiciary Committee.

*Resolved*, That so much as relates to the Joint Resolutions of the Legislatures of Maryland, Mississippi, Arkansas, Ohio, Rhode Island and the Legislature of Georgia in relation to the Government of Maine: and the Legislature of Kentucky, in relation to the currency, be referred to the Committee on the Judiciary.

Mr Speaker laid before the House the report of the Adjutant and Inspector General of the State; which was laid upon the table and 200 copies ordered to be printed, for the use of the House. Also, the report of D. H. Bingham, Engineer, for the improvement of the Navigation of the Tombeckbee river; which were laid upon the table and 200 copies ordered to be printed.

*Ordered*, that Messrs. Lipscomb and Morris be added to the committee on the Judiciary.

*Ordered*, that Mr Booth be added to the committee on Privileges and Elections.

Mr Young moved to take from the table sundry resolutions of the Legislatures of Maryland, Mississippi, Arkansas, Ohio, Rhode Island, Georgia and Kentucky, accompanying the annual message of the Governor; which was carried. Mr Young then moved to refer the said resolutions to the committee on the Judiciary: which was carried.

Mr Martin from the Committee on county boundaries, to which was referred the petition of part of the citizens of Tuscaloosa county, reported a bill to be entitled an act to attach a part of the county of Tuscaloosa to the county of Jefferson; which was read the first time and ordered to a second reading.

Mr Andress from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of Cherokee county, praying the Legislature to allow Samuel Standiffee additional compensation for taking the census of said county, reported that it is inexpedient to grant the prayer of the petitioners; in which report the House concurred.

Mr Phillips from the committee on Divorce and Alimony, to which was referred the record and proceedings of the Circuit Court of Jackson county, exercising Chancery Jurisdiction, divorcing Sarah Greene from her husband, William Greene, reported a bill to divorce Sarah Greene from her husband William Greene; which was read the first time, and ordered to a second reading.

Mr. Phillips from the same committee to which was referred the record and proceedings of the Circuit Court of Madison county, divorcing Elizabeth Greene from her husband John M. Greene, reported a bill to divorce Elizabeth Greene from her husband John M. Greene; which was read the first time and ordered to a second reading. Mr. Phillips from the same committee to which was referred the record and proceedings of the Circuit Court of Morgan county, divorcing Elizabeth Dance from her husband Henry B. Dance; reported a bill to divorce Elizabeth Dance from her husband Henry B. Dance; which was read the first time and ordered to a second reading. Mr. Phillips, from the same committee to which was referred the record and proceedings of the Circuit Court of Morgan county, divorcing John Youngblood from his wife, Eliza Jane Youngblood, reported a bill to divorce John Youngblood from his wife Eliza Jane



Youngblood; which was read and ordered to a second reading. Mr. Phillips, from the same committee to which was referred the record and proceedings of the Circuit Court of Madison, divorcing John P. Hall from his wife Mary Hall reported a bill to divorce J. P. Hall from his wife M. P. Hall which was read the first time and ordered to a second reading. Mr. Phillips, from the same committee to which was referred the record and proceedings of the Circuit Court of Limestone county, divorcing L. T. Tate from her husband G. Tate, reported a bill to divorce L. L. Tate; which was read the first time and ordered to a second reading. Mr. Phillips, from the same committee to which was referred the record and proceedings of the Circuit Court of Limestone county, divorcing Eleza A. F. Anderson from her husband Edmund R. Anderson, reported a bill, divorcing Eliza A. F. Anderson, from her husband Edmund R. Anderson; which was read the first time and ordered to second reading.

Mr. Address, from the committee on propositions and grievances, to which was referred the petition of sundry citizens in favor of Michael Waldrope and John W. Powers, reported that it is inexpedient to grant the prayer of the petitioners. Mr. Carmack moved to lay the report on the table, which was carried.

Mr. Address from the same committee to which was referred the petition of sundry citizens of Dallas county, praying the Legislature to relinquish that part of the estate of Christopher Plunket, which by the existing laws would escheat to the State of Alabama, reported the same back to the House and recommended its reference to a select committee, composed of the delegation from the county of Dallas; in which report the House concurred.

Mr. Address, from the same committee to which was referred the petition of sundry citizens of Lauderdale county, praying the Legislature to grant James H. Pool, the privilege of peddling and retailing spiritous liquors, goods wares and merchandize in the State of Alabama; reported that it is inexpedient to legislate on the subject, in which report the House concurred.

Mr. Address, from the same committee to which was referred the petition of R. A. Anderson, reported that it is inexpedient to legislate thereon; in which report the House concurred.

A message was received from the Senate, by Mr. Withers, there Secretary:

Mr. Speaker, The Senate have passed bills of the following titles:

An act to define the limits of the town of Somerville, in the county of Morgan and incorporate.

An act authorising an additional number of jurors to be drawn and summoned to attend the circuit and county courts for the county of Wilcox.

An act to alter and amend an act entitled an act to provide for the sale of slaves and lands, at the town of Courtland, in certain cases, approved the 21st December, 1837.

An act to repeal in part an act entitled an act to increase the pay of jurors in certain counties therein named.

An act prescribing the duties of the county Treasurer of Franklin county. They have also passed a joint resolution of the State of Alabama authorising purchase of a certain number of Aiken's Digest.

They also passed a bill which originated in the House of Representatives, and have amended the same as therein shewn; in which they ask the concurrence of the House of Representatives.

On motion of Mr. Vining, *Resolved*, that the Senate be now invited to assemble in the Hall of the House for the purpose of electing a trustee for the seventh judicial circuit. *Ordered*, that the clerk acquaint the Senate therewith.



The Senators then proceeded to the Hall of the House of Representatives and took their seats—the two Houses then proceeded to the election of a trustee of the University of the State of Alabama, for the seventh judicial circuit, to supply the vacancy of C. D. Connor, Esq. resigned. Elisha Meridith, alone being in nomination.

Those who voted for Mr. Meridith, are Messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Henderson Hill Hudson King Lea McClellan Lloyd McVay Ross Rice Rains Riddle Rodgers Simmons Smith Terry Toulmin Ward and Wilson of the Senate; and Messrs Speaker Abercrombie Andress Baldwin Baker Bates Blassengame Bolling Booth Boston Clanton Clifton of C Clifton D Cook of F Cook D Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holley Jones of B Jones of C Jones of S Kennedy Lipscomb Martin Mason McAlister McAlpin of G McAlpine of M McClannahan of M McClannahan of S McConnell McKnight cMillion Meade Mitchell Morris Morrow Moore of Mar. Moore of W Murphey Neily Payne Peters Phillips Philpot Priest Rogan Rutherford Shields Simmons Slater Smith of D Smith of M Somners Tarver Taylor of F Vinum Walker Warren Weissinger Williams of J Williams of T Wilson Withers Wright Wynn and Young of the House of Representatives.

Mr. Meridith having received the whole number of votes given, Mr. Speaker declared him duly elected trustee of the University of Alabama. The Senate then withdrew.

The House took up the last message from the Senate and the several bills accompanying the same. Mr. Crenshaw moved that the House concur in the amendment made by the Senate to the bill to regulate the time of holding the county court for the county of Butler, which was carried.

The Joint Resolution from the Senate, authorising the purchase of a certain number of Aiken's Digest, was read the first time and ordered to a second reading.

The bills from the Senate prescribing the duties of the County Treasurer of Franklin county; to repeal in part an act entitled an act to increase the pay of jurors in certain counties therein mentioned; to alter and amend an act entitled an act to provide for the sale of slaves and lands at the town of Courtland, in certain cases, approved 20th of December 1837; authorising an additional number of jurors to be drawn and summoned to attend the circuit and county courts for the county of Wilcox; and, to define the limits of the town of Somerville in the county of Morgan and incorporate the same, were severally read and ordered to a second reading.

The House then resumed the consideration of the report of the select committee appointed to revise the rules of the House. The motion of Mr. Morris, that the House disagree to the report of the committee proposing the twenty-second rule with a view to adopt the old rule on that subject, being under consideration and the question being taken thereon it was lost. Mr. Jones of B. moved to amend the rule under consideration by adding the following: "And in all cases unless otherwise ordered by the House, the amendment or amendments cut off by the previous question, shall be placed upon the Journals of the House without motion." Mr. Kennedy moved to lay the amendment offered by Mr. Jones of B. on the table which was lost. The question then recurred on its adoption and was carried. The report of the committee as amended, was then concurred in; *Ordered*, that two hundred copies of the rules as amended, be printed for the use of the House.

The House then proceeded to the orders of the day. The engrossed bill permanently to locate the seat of justice for the county of Pike, and for other purposes; to change the time of holding the county court of Autauga county; to authorise the continuance of a company beat in the county of Wilcox, with a less number than forty privates; to change the times of holding the winter terms of the county court of Tuscaloosa county; for the relief of certain persons therein nam-

ed; to compensate the commissioners of Roads and Revenue, in the county of DeKalb; and, the engrossed bill to incorporate a Fire Company therein named, were severally read the third time and passed; *Ordered*, that their titles be as aforesaid, and that the same be sent to the Senate for their concurrence, and then the House adjourned till to-morrow 10 o'clock.

*Tuesday, December 11, 1838.*—Mr. Matthew W. Lindsey, a member elect, from the county of Morgan, appeared within the Hall, was qualified and took his seat.

Mr. Smith, of D. presented the petition of sundry citizens, praying for a charter for a turnpike road therein named, which was read and referred to the committee on Roads, Bridges and Ferries.

An account was presented by Mr. Boston, which was read and referred to the committee on Indian Affairs.

Mr. Booth presented the petition of sundry citizens of Barbour county on the subject of collecting taxes, which was read and referred to the committee on Ways and Means.

Mr. Moore, of Mar. presented the petition of sundry citizens of Perry county, praying for an incorporation of the Farmers' Banking Association which was read and referred to the select committee, to which a similar subject was referred on yesterday.

A message was received from his Excellency the Governor, by Mr. Gooch, his Private Secretary.

#### EXECUTIVE DEPARTMENT, TUSCALOOSA, FEB. 8, 1838.

To the Hon. J. W. McCUNG, Speaker of the House of Representatives:

SIR, I have the honor herewith to lay before the House of Representatives, the accompanying Resolution of the Board of Trustees of the University of Alabama, may also be permitted to add my individual wishes that it may be convenient for the members of the House of Representatives to comply with the invitation contained in said Resolution.

I have the honor to be, with perfect respect, your obedient servant,

A. P. BAGBY.

The Resolution of the board of Trustees was then read as follows: *Resolved*, unanimously by the President and board of Trustees of the University of Alabama, that the President of this board be requested to invite both branches of the Legislature, Judges of the Supreme Court and Judges of the Circuit Courts to attend the commencement at the University on Wednesday next; which was adopted, 10th December, 1838.

M. D. WILLIAMS, Secretary.

Ordered that said Resolution lie upon the table. On motion of Mr. Williams, of T. *Resolved*, that the House, when they adjourn will adjourn over till Thursday, 10 o'clock, for the purpose of attending the commencement exercises at the University of Alabama, on Wednesday next.

Mr. Finley, presented the account of Lewis Wythe, which was read and referred to the committee on Accounts.

Mr. Speaker laid before the House a report of the Branch of the Bank of the State of Alabama.

Mr. Moore, of Mad. presented certain proceedings of the Mayor and Aldermen of the town of Huntsville, which were read, and on motion of Mr. Moore of Mad. referred to a select committee, consisting of the delegation from madison county.

Mr. Rutherford, presented the account of Amy Tuttle, which was read and referred to the committee on Accounts.

Mr. Smith, of D. presented the petition of sundry citizens praying for a char-

ter to a turnpike road in favour of John Brandon and others which was read and referred to the committee on Roads, Bridges and Ferries.

Mr. Baker, from the committee on Inland Navigation to which was referred the petition of sundry citizens purporting to be owners, masters and pilots of steam boats praying the passage of a law prohibiting the employment of persons of color as officers in any capacity on steam boats, reported that it is inexpedient to legislate on the subject. Mr. McAlpine, of M. moved to lay the report on the table which was concurred in.

Mr. Aberombie, from the committee on Privileges and Elections to which a Resolution was referred, instructing them to inquire into the expediency of changing the time of holding the general elections in this State; reported it inexpedient to legislate on the subject, and asked to be discharged from the further consideration of the same; in which report the House concurred.

Mr Shields from the committee on the Judiciary, to which was referred the bill to be entitled an act to allow the Judges of the supreme court to take acknowledgement of deeds, reported the same back to the House, with a recommendation of its passage. The bill was then read the second time and ordered to be engrossed for a third reading.

Mr Cook of L. from the committee on Ways and Means, to whom was referred the petition of sundry citizens of this State, praying the establishment of a fifth quality of land, reported a bill to be entitled an act to authorise a fifth quality of land, subject to taxation, which was read the first time and ordered to a second reading.

Mr Young, from the committee on the Judiciary to whom was referred the petition of sundry citizens of Lauderdale county, praying that the fees allowed to constables may be increased, reported that it is inexpedient to legislate on the subject. Mr Carmack, moved to lay the report on the table, which was carried.

Mr Young from the same committee, to whom was referred a *Resolution* instructing them to enquire into the expediency of so amending the constitution of this State, as to give Justices of the Peace jurisdiction in the trial of assaults and batteries, reported that the amendment would be inexpedient. Mr Priest moved to lay the report on the table which was carried.

Mr Young from the same committee, to whom was referred a petition praying the legislature to pass a law authorising John McNary to convey forty acres of land described in the petition to Jacob Gross and others and their successors for the use and benefit of the Methodist Episcopal Church as a camp ground, reported that legislation upon that subject is unnecessary as the conveyance, may be effected without the intervention of the Legislature, and therefore it is inexpedient to legislate thereon, in which report the House concurred.

Mr Young from the same committee, to whom was referred a bill, to be entitled an act, relating to bills of exchange, reported that it is inexpedient to pass the bill, and asked to be discharged from the further consideration of the subject, in which report the House concurred.

Mr Young from the same committee, to which was referred a Resolution upon a petition instructing them to enquire into the expediency of so amending the constitution of this State, as to give to the people the right of electing their own county court judge, reported that it would be inexpedient so to amend the constitution. Mr Jones, of B. moved to lay the report on the table, which was lost. The question then recurred on concurring in the report of the committee and was carried.

Mr Young from the same committee, to whom was referred the Resolution requiring said committee to enquire into the expediency of so altering and amending the laws of this State, relating to commissioners of Roads and Revenue as to require them more strictly to perform their duties; and also, to require judges of the county courts to perform some of the duties now devolving upon said commissioners, reported that it is inexpedient to legislate upon the subject. Mr Moore, of mar. moved to lay the report on the table which was lost. The question then recurred on concurring in the report, and was carried.

Mr Young from the same committee to whom was referred the petition of sundry citizens on the subject of temperance, setting forth the disastrous and desolating effects of intemperance, praying the Legislature to place ardent spirits on the contraband list, and to prohibit their being retailed within the State, reported that the committee are fully impressed with the importance of the subject, and accord their ready assent to the declarations contained in the petition and believe that the horrid picture drawn, is true, but that the remedy is not to be found by granting the request of the petitioners, in enactments by the Legislature, but that legislation upon the subject is inexpedient and asked to be discharged from the further consideration of the subject. Mr Carmack moved to refer the report and petition to the committee on Propositions and Grievances. Mr Porter moved to recommit the petition to the committee on the Judiciary with instructions to report on the constitutional question involved in the petition. The question being taken on the motion of Mr Carmack, it was lost—Yeas 37, Nays 57.

The Yeas and Nays being desired, those who voted in the affirmative are Messrs. Speaker Baldwin Baker Bates Carmack Clanton Clifton of C. Clifton of D. Cook of F. Crawford Douglass Grigsby Hampton Harris Harrison Henderson Hogg Jones of P. Kennedy Lindsey McAlpin of G. McClannahan of M. McMillion Meade Mills Morris Moore of Mar. Peters Phillips Philpot Priest Rogan Searcy Shields Sommers Vining Walker and Wynn.

Those who voted in the negative, are messrs. Abercrombie Address Blassengame Bolling Booth Boston Cook of L. Crayton Creagh Crenshaw Earle Ellis Esselman Finley Garner Godbold Hall Hammond Hancock Hilliard Hollis Holly Jones of B. Jones of C. Lipscomb Martin Mason McAllister McAlpin of M. McCannahan of S. McConnell McKnight Mitchell Morrow, Moore of Mad. Moore of W. Murphy Neely Payne Porter Rutherford Shortridge Simmons Slater Smith of D. Smith of M. Farver Taylor of F. Warren Weissenger Williams of J. Williams of P. Wilson Withers Wright and Young.

The question then recurred on the motion of Mr Porter to recommit with instructions, and was carried.

A message was received from the Senate by Mr Childress, their Assistant Secretary. Mr Speaker the Senate have adopted the following Resolution. *Resolved*, that the Senate accept the invitation of the President of the board of trustees of the University, and will adjourn on to-day until Thursday morning, ten o'clock and if the House of Representatives also adjourn, will at 9 o'clock A. M. on to-morrow, meet at, or in front of the College Chappel, for the purpose of joining with the members of the House of Representatives in the usual procession, and witnessing the annual commencement exercises of the University of the State; in which Resolution the House concurred. *Ordered*, that the Clerk acquaint the Senate therewith.

A message was received from his Excellency the Governor, by Mr. Gooch, his Private Secretary.

EXECUTIVE DEPARTMENT, TUSCALOOSA, DECEMBER 11, 1838.

SIR:—I have been requested to lay before the two Houses of the General Assembly the accompanying Memorial, and beg leave to recommend it to your respectful consideration.

I have the honor to be, your most obedient,

A. P. BAGBY.

To the Hon. J. W. McCluna, Speaker of the House of Representatives.

Accompanying said message was the memorial of M. Sessions and family, representing that they have discovered the secret of transplanting cotton and then

of growing it successfully, and praying for an appropriation, under certain restrictions, for such discovery and the imparting the same to the citizens of this State; which was read and referred to the committee on Agriculture.

Mr. Meade moved to suspend the orders of the day for the purpose of introducing a bill, which was carried.

Mr. Meade then introduced a bill to change the time of holding the August term of the commissioners court of roads and revenue for the county of Blount, which was read the first and ordered to a second reading.

Mr. Williams of T. moved to suspend the orders of the day generally, which was carried.

Mr Williams of T. then introduced a bill to receive and amend an act, entitled an act to incorporate the lower part of the town of Tuscaloosa, on the south fraction of section twenty-one in township twenty-one, range ten west of the meridian of Huntsville, passed 20th December, 1820, which was read the first time and ordered to a second reading.

Mr Wright offered sundry joint resolutions on the subject of banking facilitating and directory to the President and Directors of the State Bank and branches, which was read the first time and ordered to a second reading.

Mr Rogan introduced a bill to provide for building a court house and jail in the county of St. Clair, which was read the first time and ordered to a second reading.

Mr. Payne introduced a bill to repeal an act now in force, confining the collection of debts before a justice of the peace in the beat in which contract was made, approved December 21st 1835, so far as the county of Sumter is concerned, which was read the first time and ordered to a second reading.

Mr Payne introduced a bill to authorise the judge of the county court and commissioners of revenue and roads for the county of Sumter, to levy a tax for the building of a court house in the town of Livingston of said county of Sumter, which was read the first time and ordered to a second reading.

Mr Bolling introduced a bill, to repeal in part an act now in force confining the collection of debts before a justice of the peace, in the beat where the defendant resides or where the contract was made and for other purposes, which was read the first time and ordered to a second reading.

Mr Bolling introduced a bill the better to regulate the executing, or serving process in civil cases, which was read the first time and ordered to a second reading.

Mr Grigsby introduced a bill to incorporate the Medical Society of South Alabama, and for other purposes which was read the first time and ordered to a second reading.

Mr Martin introduced a bill to alter and change the manner of electing members to the Congress of the United States from the State of Alabama, which was read the first time.

Mr Hall moved that the further consideration of the bill be postponed until Wednesday the 19th inst., and that one hundred copies be printed. A division of the question was called for, and the question was first taken on the motion to postpone, and lost; the question then recurred on ordering the bill to a second reading and was carried. Yeas 57, Nays 37.

The Yeas and Nays being desired, those who voted in the affirmative are,

Messrs. Speaker Andress Baker Booth Boston Clifton of C. Garner Godbold Golding Hall Hammond Hamton Hancock Harrison Henderson Hilliard Hogg Holly Jones of C. Lindsay Limpscomb Martin Mason McAlister McAlpin of M. McClanahan of M. McConnel McKnight McMillian Mills Mitchell Morris Morrow Moore of Mad. Moore of Mar. Murphey Payne Philpot Porter Rogan Rutherford Searcy Shields Shortridge Slater Smith of D. Smith of M. Somners Tarver Taylor of F. Vining Warren Weissinger Williams of T. Wilson Withers Wright Wynn and Young.

Those who voted in the negative are,

Messrs. Abercrombie Baldwin Bates Blassingame Bolling Carnack Clanton Clifton of D. Cook of F. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Finley Grigsby Haris Hellis Jones of B. Jones of P. Kennedy Mason McAlpin of G. McClanahan of S. Meade Moore W. Neily Peters Phillips Priest Shemons Walker and Williams of S.

Mr McClanahan of M. offered the following resolution: *Resolved, by the Senate and House of Representatives, That whenever the two houses shall be assembled for the purpose of a joint vote, each member shall answer from his seat when his name is called in its*

in order by the Secretary or clerk; and any member failing or refusing to vote when his name is called, shall be censured as having waved his right to vote and shall not afterwards be allowed to do so.

Mr Carmack moved to postpone the further consideration of the resolution until Thursday next, which was carried.

Mr Priest moved to take from the table a bill for the benefit of the sixteenth section in this State, which was carried. Mr Priest then moved to refer the bill to the committee on Education, which was carried.

Mr McClanahan of S. moved to take from the table the report of A. Bowie, President of Board of Commissioners for the improvement of the navigation of the Coosa River, which was carried. Mr McClanahan of S. then moved to refer the report to a select committee, consisting of the Delegation from the counties of Coosa, Talladega, Benton, Cherokee, St. Clair, Shelby and Autauga, which was carried; and then the House adjourned till Thursday, ten o'clock.

*Thursday December 13th.*—Mr Speaker laid before the House the record and proceedings of the Circuit Court of Conecuh county, divorcing Thomas B. Ballard from his wife Nancy Ballard, which was read and referred to the committee on Divorce and Alimony.

Mr Sommers presented the petition of sundry citizens, praying a change of county lines which was read and referred to a committee composed of the delegation from the county of Tuscaloosa and Bibb.

Mr Young presented the petition of sundry citizens, praying for the establishment of a Ferry on the Warrior river, which was read and referred to the committee on roads, bridges, and ferries.

Accounts were presented by Messrs. Martin, Rutherford, Hollis, Jones of C. and Hilliard, which were severally read and referred to the committee on accounts.

Accounts were presented by Mr Booth, which were read and referred to the committee on Indian affairs.

Mr Payne presented the petition of sundry citizens of this State, praying the passage of a law to ascertain the sense of the people of this State in regard to the establishment of a penitentiary, which was read and referred to the judiciary committee.

Mr Golding presented the petition of sundry citizens of Blount county, praying to be attached to the county of Marshall, which was read and referred to the committee on county boundaries.

Mr McConnel presented the petition of sundry citizens on the subject of retailing ardent spirits, praying for an abolition of the retail thereof, which was read and referred to the committee on propositions and grievances.

Mr Payne presented the petition of sundry citizens, praying for relief for James A. Bates as census taken for the county of Sumter, which was read and referred to the committee on propositions and grievances.

Mr Booth presented the annual report of the Quarter Master General of the State, which was read, laid upon the table and one hundred copies ordered to be printed.

Mr McMillian presented the petition of sundry citizens, praying for an abolition of the laws authorising the retail of ardent spirits, which was read and referred to the committee on propositions and grievances.

Mr Wynn presented the petition of sundry citizens on the same subject, which was also read and referred to the committee on propositions and grievances.

Mr Payne presented the petition of sundry citizens, praying for the establishment of a new county out of parts of Sumter and Washington, which was read and referred to the committee on county boundaries.

Mr Finley presented the petition of sundry citizens of Jackson county, praying for the passage of a law on the subject of taxation in Jackson county, which was read—Mr Finley moved to lay the petition on the table, which was carried.

Mr Wynn presented the petition of sundry citizens of Limestone county, praying for relief for John P. Harrison, William H. Harrison, Stokes Robinson and Zackias K. Winfield, which was read and referred to a select committee, composed of the delegation from Limestone county.

Mr Priest presented the petition of Thomas S. Bibb and others, together with the report of R. C. Perkins and J. A. Lancer, commissioners, to examine and report upon the turnpike of Thomas Bibb, which was read and referred to a select committee, composed of the delegation from Lawrence.

Mr Speaker laid before the House a supplemental return of the census of Sumter county for the year 1838, which was read and referred to the committee on apportionment.

Mr Philips from the committee on the Judiciary to which was referred a bill to be entitled an act, for the better protection of slaves in certain cases, reported the same back to the House and recommended its passage, the bill was then ordered to be engrossed for a third reading.

Mr Baker from the committee on Inland navigation to which was referred a bill to authorise a lottery to remove the obstructions in the Suckanatchee river, reported the same back to the House without amendment and recommended its passage, the bill was then read a second time and ordered to be engrossed for a third reading.

Mr. Philips from the Judiciary committee, to which was referred a bill to amend Judicial proceedings at common law in regard to suits against co-partners, reported the same back to the House without amendment and recommended its passage, the bill was then ordered to be engrossed for a third reading.

Mr. Baker from the committee on inland navigation, to which was referred the petition of E. W. Erchew and others, praying the passage of a law authorising and allowing the said Erchew to act as pilot on the Tensaw river and branches, reported that it was inexpedient to legislate upon the subject.

Mr Lipscomb moved to lay the report upon the table which was carried.

Mr Morris from the committee on Indian affairs, to which was referred the account of Abraham Byers for articles alleged to have been furnished Captain Carmack's company on their return from the creek service in 1836, reported it as not sufficiently authenticated in which they asked the concurrence of the House. Mr Carmack moved to recommit the account to the committee with instructions to report a bill allowing the same which was carried.

Mr Morris from the same committee, to which was referred the petition of Capt. L. Smith, asking pay for company of privates from the 27th of January, 1837, to the 7th of April, the same year, reported that it is inexpedient to grant the prayer of the petitioner. Mr Boothe moved that the report lie on the table; which was carried.

Mr Morris from the same committee, to which was referred the petition of a number of persons, asking payment to R. S. Coffee, for a horse purchased of him by Gen. Ganard, reported that it was inexpedient to grant the prayer of the petitioner. Mr Carmack moved that the report lie upon the table; which was carried.

Mr Morris from the same committee, to which was referred the account of Thos. B. Murphy for ferrying troops going from and returning to the county of Madison, reported the same back to the House, as not being sufficiently authenticated, and asked leave to be discharged from the further consideration of the same. Mr Moore from Madison, moved to lay the report on the table; which was carried.

Mr Morris from the same committee, to which was referred the account of Thos. Warren, reported the same as not sufficiently authenticated; and asked leave to be discharged from the further consideration of the same. Mr Boothe moved to recommit the account, which was carried.

Mr Morris from the same committee, to which was referred the account of John Howell, reported the same as not properly authenticated, and asked to be discharged from the further consideration of the same; in which report the House concurred.



Mr Morris from the same committee, to which was referred the account of Martin Kinsey, reported that it is inexpedient to allow the same. Mr Hall moved to recommit the report to the committee, which was carried.

Mr Godbold from the committee on indian affairs, to which was referred the account of Samuel Oliver, Daniel Calaway, Arthur Stripling, Elizabeth T. Watson, Samuel Feagan, Lewis Pugh and Mary Hany, reported a bill to compensate Samuel Oliver, Daniel Calaway, Arthur Stripling, Elizabeth T. Watson, Samuel Feagan, Lewis Pugh and Mary Hany, for provisions furnished Gen. Moore's Brigade; which was read the first time, and ordered to a second reading.

Mr Andress from the committee on propositions and grievances, to which was referred the the petition of John Coleman, Daniel W. Coleman and Thomas Waters, reported a bill for the relief of John Coleman and others; which was read the first time and ordered to a second reading.

Mr Andress from the same committee, to which was referred the petition of Manuel Gray, reported that it would be inexpedient to grant the prayer of the petitioner; in which report the House concurred.

Mr Crenshaw from the judiciary committee, to whom was referred a resolution instructing said committee to inquire into the expediency of altering the laws so as to allow the two Justices of the Peace in each beat, to hold their trials jointly and monthly, at their places of election in their respective beats—and in case of appeal requiring a constable to summon a jury of seven men to try said appeal at the next monthly court of said Justices, reported that it is inexpedient to legislate thereon; in which report the House concurred.

Mr Morris from the committee on indian affairs, to which was referred the account of J. H. Thornton, reported it as not sufficiently authenticated; in which report the House concurred.

Mr Morris from the same committee to which was referred the account of Samuel Moncrief: reported the same as not sufficiently authenticated in which they ask the concurrence of the House

Mr Hall moved to recommit to the committee, which was carried.

Mr Philips from the select committee consisting of the delegation from Dallas county to which was referred the petition of Cassandra Kelly and others praying that the State of Alabama would relinquish to the said Cassandra Kelly its right by escheat to the personal estate of Christopher Plunkett deceased, her former husband, reported a bill for the relief of Cassandra Kelly, which was read the first time and ordered to a second reading.

Mr Kennedy from the select committee consisting of the delegation from Bibb to which was referred the bill to provide for the support of paupers in the county of Bibb, reported the same back to the House without amendment and recommended its passage. The bill was then ordered to be engrossed for a third reading.

Mr McClanahan of S. from the select committee consisting of the delegation from the county of Shelby to which was referred the petition of Levi Williams praying for leave to erect mills on the Coosa river, reported a bill to authorise Levi Williams to erect mills on the Coosa river, which was read the first time and ordered to a second reading.

Mr Baker from the select committee to which was referred a resolution proposing a change in the joint rules of the two Houses, reported that the committee have no jurisdiction in any change of the joint rules. and asked to be relieved from the further consideration of the same. Mr Shields moved that the report lie on the table, which was carried.

Mr Hilliard offered the following preamble and resolutions, to wit:



The banking system has, within a few years become a subject of absorbing interest with the people of the United States. The subject has been forced upon their consideration, by extraordinary and disastrous events. At this time the greatest derangement prevails in the fiscal affairs of our country, and a revolution wide and deep is going on in public sentiment, in regard to the whole subject of finance. It is therefore proper, that this Legislature representing the people of a wealthy and important member of the Union, should make known their views of a question which so largely involves the public welfare.

All revolutions are perhaps occasioned by abuses; but it often happens that those who commence the work of reform, are carried forward by excessive zeal to the destruction of that which they had intended only to improve. This is true of those who are most actively engaged in effecting fundamental changes in the financial system of the United States.

It is the matured opinion of this Legislature, that the doctrine of implied powers, as applied to the Constitution of the United States, is of dangerous tendency to our common welfare, and is especially hostile to Southern interests. A strict and sober construction of that instrument, is absolutely essential to our safety and happiness. With a full persuasion of this truth, we are unable to perceive that the Constitution in any of its provisions, restricts the people of the United States, to the use of a circulation exclusively metallic. That clause contained in the tenth section of the Constitution, which declares that "no State shall make any thing but gold and silver coin a tender in payment of debts," is sometimes quoted to sustain this view, but it cannot be made to intend any meaning of this kind, without giving to it the most unlicensed latitude of construction, a mode of construction to which we are wholly and steadily opposed.

This provision simply restrains the individual States from making any thing but gold and silver coin, a tender in payment of debts, but it is silent as to the powers of the General Government. But should we give to it the widest application, it will not be found to forbid the employment of some other circulation than that which is afforded by the precious metals; it still leaves the Government at liberty to receive whatever it may deem proper, in discharge of public dues. It simply creates a standard of value, to which every other representative of property may be reduced at the pleasure of the creditor, and it would be most unhappy for the people of the most commercial nation in the world, if it should receive a wider construction than this. A sound circulating paper medium, at all times convertible into gold and silver, is essential to our prosperity and happiness as a nation.

It is believed too by this Legislature, that the Constitution of the United States, contemplates as perfect a distribution of political powers as can be attained; and that its spirit and design demand that the public funds should be under the charge of the National Legislature, and subject as little as possible to the Executive control. While this is consonant with the spirit of the Constitution, it affords one of the strongest safeguards to popular liberty. Any measure which proposes to disturb this adjustment of powers, and to extend executive authority over the public funds, beyond its present limits, by permitting them to be kept and disbursed by individuals appointed by the President, and responsible to him, should be firmly resisted. These individuals, selected from the great body of their fellow citizens because of their partisan zeal, and dependent upon the pleasure of the President for the tenure of their office, could not constitute safe depositories of the money of the people; they would be too apt to yield to the dictation of him who gave them their official existence, and the result would be the building up of a vast and overshadowing Executive power, under the crushing influence of which popular liberty would expire.

Entertaining these opinions, this Legislature observes with great satisfaction, that some of our sister States in the South, are rapidly accommodating themselves to the present condition of the country, and are engaged in concerting measures calculated to supply such a circulation as the commercial interests of the people of the Southern portion of the Union demand. Concert of action, is alone required to accomplish this most desirable result. There has been of late a concentration of vast capital in some of the Northern cities, and in Philadelphia and New York especially, the most extensive financial arrangements have been effected.

To produce a countervailing influence, and to enable the South to accomplish its aim in opening and conducting a direct trade with foreign nations, it is believed to be important, that a bank of large capital be established by the Southern and South Western States. This measure now contemplated in some of the States, will, if effected, supply a circulation of wide credit, which while it affords a uniform currency for the States most extensively engaged in domestic trade and communication, will at the same time, greatly aid in establishing our commercial independence.

These are our general views of the financial policy of this country. Therefore,

*Be it Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That any measure calculated to reduce the people of the*

United States, to the use of a metallic circulation, would be hostile to our interests as a commercial nation.

*Be it further Resolved*, That Congress ought to pass no law prohibiting the reception of the notes of specie paying banks in the several States, in discharge of public dues.

*Be it further Resolved*, That the public funds ought not to be entrusted to the keeping of individuals elected for that purpose by the President, who are amenable to him, and who hold their offices at his pleasure.

*Be it further Resolved*, That for the purpose of effecting our commercial independence, and of creating such a circulation as our wants demand, it is important that a Bank of large capital be established by the Southern and South Western States.

Mr. Daldwin moved that the further consideration of the preamble and resolutions be postponed till Monday next, that they be made the special order of the day for that time, and that one hundred copies of the same be printed, which was carried.

Mr McAlpin of M. introduced a bill more fully to develop the resources of Alabama, Mississippi and Tennessee, which was read the first time. Mr Porter moved that the bill lie on the table, and that two hundred copies thereof be printed for the use of House, which was carried.

Mr Grigsby presented the reports of William Jones Jr., and William H. Robertson Commissioners appointed under an act of the General Assembly to examine into the expediency and practicability of establishing a public Warehouse in the city of Mobile, which were laid upon the table and one hundred copies ordered to be printed.

Mr Porter introduced a bill to amend the laws relating to absconding slaves, which was read the first time and ordered to a second reading.

Mr Crenshaw introduced a bill to explain and amend the laws concerning injunctions, orders, decrees, and other matters in chancery, which was read the first time and ordered to a second reading.

Mr McAlpin of G. introduced a bill to alter and amend in part the charter of the Bank of the State of Alabama and the several branches thereof which was read the first time. Mr. Smith of M. moved that the bill be made the special order of the day for Wednesday next, which was carried. Mr Earle move that one hundred copies of the bill be printed, which was carried.

Mr Jones of B. offered the following preamble and resolution:

*Whereas*, The faith and credit of the State of Alabama is pledged for the ultimate redemption of the State bonds, *and Whereas*, through a failure to redeem the said bonds by the sinking fund set apart and provided for such purpose, the good citizens of the State (as well those who have not received bank accommodations as those who have) will be taxed, grievously taxed, to redeem the pledge.

*And Whereas*, it is evident from the sad experience we have already had in our banking system, that some radical defect in the system endangers the whole plan, and without a change of the laws which now give it direction, must inevitably fall to the ground to the disappointment of its most sanguine friends. *And Whereas*, in all bodies corporate, exercising several co-ordinate departments, each department should exercise its own functions independant and separte from the others in order to secure a faithful exercise and discharge of public duty; *and Whereas*, our banking system has three separate, distinct, tangible departments which constitute one entire whole plan, that is the appointment of the Directory by the Legislature, the recommendation of solvent notes to the bank, and the discounting of notes by the directory, all of which powers or departments are now exercised by two hands, that is the officers of the State and the directory.

*Be it therefore Resolved*. That in order to secure our banks from fraud and collision, and warrant a faithful discharge of public duty as aforesaid by our bank offices, no two of the aforesaid departments above described in our banking system, ought or shall be exercised by the same person, but that each shall be exercised by separate and distinct hands.

*Resolved*, That the committee on the State Bank be required to inquire into the expediency of reporting a bill to the House in conformity with the above suggestions and resolutions:

Mr Crenshaw offered the following amendment which was accepted by Mr. Jones of B.

*Resolved further*, That said committee be instructed to inquire into the expediency of removing the

power of recommending notes from the hands of the members of the Legislature and to give said power to a select committee of                      to be appointed in each county by the Judge of the county court and commissioners thereof.

Mr Porter offered the following amendment which was accepted by Mr. Jones of B.

*Resolved further*, That the committee upon the State Bank inquire into the expediency of repealing the law of last session appointing Bank Commissioners, which was approved December twenty-third eighteen hundred and thirty-seven.

Mr Smith of M. offered the following amendment:

*And be it further resolved*, That the committee on the State Bank and its Branches be instructed to inquire into the expediency of passing a law prohibiting said banks from issuing bills of a less denomination than five dollars, and that they report by bill or otherwise, which was adopted.

Mr Baker offered the following as an amendment which was accepted by Mr Jones of B.

*Resolved further*, That the committee on the State Bank be instructed to inquire into the manner in which the State Bank and the several Branches have exacted the payment of interest on the first instalment of the extended debt with a view to secure like benefit to the people of every part of the State, with leave to report by bill or otherwise.

On motion of Mr. Baldwin, *Resolved*, That the committee on the State Bank be, and they are hereby required to take into consideration the expediency of requiring our banks to confine their issues to a specie basis; also as to the expediency of dividing the State into banking districts, and creating a bank marshal for each banking district, and that they be requested to report on the same by bill or otherwise.

On motion of Mr. Hall, *Resolved*, That a select committee be appointed consisting of one member from each of the following counties, viz: Autauga, Montgomery, Coosa, Macon, Tallapoosa, Chambers, Talladega and Shelby, to take into consideration the propriety and expediency of removing a part of the capital stock of the Branch of the Bank of the State of Alabama at Montgomery to the town of Wetumpka, with leave to report by bill or otherwise.

Whereupon Messrs. Hall, Clanton, Morris, Holly, Crayton, McConnel, Baldwin, and McClanahan of S. were appointed said committee.

Mr Young offered the following amendment to rule No. 25, after the word "Chair" in the second line of the rule, to insert the following "in alphabetical order of the counties" which lies over one day for consideration.

Mr Phillips introduced a bill the better to provide for the advertising of land and negroes levied on by the sheriff of Dallas county; which was read the first time and ordered to a second reading.

Mr McClanahan of S. introduced a bill to provide for an examination of the several circuit and county clerk's offices in this State, which was read the first time and ordered to a second reading.

On motion of Mr. Baldwin, *Resolved*, That with the concurrence of the Senate the two Houses will assemble in the Representative Hall on Saturday the 16th instant noon, for the purpose of electing a Judge of the county court of Montgomery county.

On motion of Mr. Harrison, *Resolved*, That the committee on roads bridges and ferries be required to inquire into the expediency of so amending the road laws as to compel those persons who petition to the commissioners court of roads and revenue for new roads to be cut out to open the same, *Provided*, the said road be established by the court, and report by bill or otherwise.

On motion of Mr. McAlpin of G. *Resolved*, That the committee on military affairs be instructed to inquire into the expediency of exempting ministers of the gospel from serving on the patrol.

Mr. Searcy introduced a bill to require the Secretary of State to distribute the Laws and Journals of the General Assembly among the several counties of this State, which was read the first time and ordered to a second reading.

Mr Morris offered the following preamble and resolution which was adopted.

*Whereas*, it is believed the unlimited power now given by law to justices of the peace of bailing persons charged with crimes of a capital nature has in many cases defeated the most palpable requisitions of justice; *Be it therefore Resolved*, That the judiciary committee be instructed to inquire into expediency of restricting the power of bailing by justices of the peace in criminal offences of a high grade and vesting the same exclusively in the Judges of the circuit courts and that they report by bill or otherwise.

On motion of Mr. Andress, *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of removing one half of the capital stock of the Branch Bank of the State of Alabama at Mobile to Clairmount, Priarie Bluff or some other suitable point on the Alabama river above Mobile.

Mr Baker moved to suspend the orders of the day generally, which was carried.

On motion of Mr Grigsby, *Resolved*, That the committee on roads, bridges and ferries be instructed to inquire into the expediency of providing by law a permanent fund for the purpose of building and keeping in repair, bridges over all creeks the natural boundaries of counties of this State and that they report by bill or otherwise.

Mr Vining introduced a bill to authorise the election of an assessor and tax collector for the county of Madison, which was read the first time and ordered to a second reading.

On motion of Mr Phillips, *Resolved*, That the committee on the State Bank be instructed to inquire whether the president and directors of the Branch of the Bank of the State of Alabama at Mobile have adopted any rule or regulation by which they refuse to purchase any accommodation paper, unless the same be drawn, endorsed, or accepted by some person residing in said city of Mobile with leave to report by bill or otherwise.

Mr Garner introduced a bill to amend an act more effectually to prevent the circulation of what are termed change bills or tickets, which was read the first time and ordered to a second reading.

Mr. Martin introduced a bill to change the time of holding the county courts in the county of Benton, which was read the first time and ordered to a second reading.

Mr Ellis introduced a bill to amend an act to incorporate the Fairfield and Macon Rail Road Company, approved December 23d 1836; which was read the first time and ordered to a second reading.

Mr Somners introduced a bill to change the time of holding the commissioners court for the county of Bibb; which was read the first time and ordered to a second reading.

Mr Hampton introduced a bill to incorporate the muscle shoals bridge company; which was read the first time and ordered to a second reading.

Mr McAlister introduced a bill to form a certain county therein named, and for other purposes; which was read the first time, and the constitutional rule requiring bills to be read on three several days, being dispensed with, the bill was read the second time forthwith, and on motion of Mr Warren, referred to a select committee, consisting of the delegation from the counties of Henry and Barbour.

A message was received from the Senate, by Mr. Childress, their Assistant Secretary—Mr Speaker, the Senate have adopted the following resolution.

*RESOLVED*, That the Senate will appoint a committee of three to act with such committee to be appointed on the part of the House of Representatives, to revise and amend the Joint Rules, prescribing the manner of conducting a joint vote of the two Houses of the General Assembly who shall report to their respective Houses; and have appointed on their part Messrs. Cottrell, Mays and Terry, said committee, in which Resolution the House concurred: whereupon Messrs. Moore, of Mad, Payne and Porter, were appointed a committee on the part of the House.

Mr Morris introduced a bill to prohibit the driving of cattle of non-residents into the county of Coosa, which was read the first time and ordered to a second reading.

Mr M'Million introduced a bill to establish a board of commissions for the improvement of the navigation of the Black Warrior river, and for other purposes; which was read the first time and ordered to a second reading.

Mr Mason introduced a bill to establish a board of commissioners for the im-

provement of the navigation of the Paint Rock river, and for other purposes thereunto connected, which was read the first time and ordered to a second reading.

Mr Walker introduced a bill to provide for the extension of certain debts therein named, which was read the first time and ordered to a second reading.

On motion of Mr Clifton, of D. *Resolved*, that the judiciary committee be instructed to inquire into the whether the act of the last Legislature, requiring a census to be taken during the present year, was passed in conformity with the constitution, and whether an apportionment of Representatives can be made by this Legislature, consistently therewith: *Resolved*, that a message be sent to the Senate, requesting that their committee on the judiciary, may act as a joint committee with that of their House, appointed on the same subject.

A message was received from the Senate, by Mr Withers their Secretary; Mr Speaker, the Senate have passed a bill to incorporate the town of Aberfoil in the county of Macon, in which they ask the concurrence of the House of Representatives: They have also passed a joint resolution of the Senate and House of Representatives, which originated in the House of Representatives.

Mr Kennedy introduced a bill to incorporate a common school fund bank of the State of Alabama, and for other purposes; which was read the first time and ordered to a second reading.

The bill from the Senate to incorporate the town of Aberfoil, in the county of Macon, was read the first time and ordered to a second reading.

On motion of Mr Clifton, of D.

*RESOLVED*, That the committee on the Military, be instructed to inquire into the expediency of so amending the Military code, as to permit the formation of volunteer companies, consisting of a number not exceeding one hundred, nor less than forty, rank and file, *Provided*, the formation of any such companies shall not reduce the beat companies from which they are raised to less number than are now required by law.

*RESOLVED*, That the same committee be instructed to inquire into the expediency of so amending the patrol laws as to place the regulation and control of the patrol into the hands of the beat captain, with the power to try defaulters by court martial, as in a case of default in the performance of military duty, and that they have leave to report by bill or otherwise.

Mr. Peters introduced a bill to incorporate the Shelby Mining and Manufacturing Company; which was read the first time and ordered to a second reading.

*Ordered*, That Mr Clifton, of D. be added to the committee on the military.

Mr Murphy, introduced a bill to repeal an act increasing the pay of jurors so far as regards the county of Henry; which was read the first time and ordered to a second reading.

Mr Wilson introduced a bill to reduce the width of lanes on second and third grade roads in the county of Jackson; which was read the first time and ordered to a second reading.

On motion of Mr Hilliard. *Resolved*, that the Rev. Dr. Manly, President of the University, be invited to deliver his address to the graduating class, in the Representative Hall, this evening at half past 6 o'clock.

Mr High introduced a bill for the improvement of the navigation of Elk river which was read the first time and ordered to a second reading.

Mr Martin introduced a bill to authorise the court of commissioners of Revenue and Roads, in the county of Benton, to levy a special tax, and for other purposes, which was read the first time and ordered to a second reading.

Mr Godbold introduced a bill to authorise Cyrus Sibly, to make improvements on a certain tract of land hereafter designated, which was read the first time and ordered to a second reading.

On motion of Mr Smith, of D

*Resolved*, That a Select Committee, consisting of the delegation from each county in the ninth Judicial circuit, be appointed to continue the investigation of the official misconduct of Thomas A. Clarke, Solicitor of said circuit, commenced at the last session of the Legislature; and that said committee have power to send for persons and papers.

Mr Mitchell moved to take from the table a bill for the encouragement of the Agricultural and of the domestic industry of the State, which was carried. The bill was then referred to the committee on Agriculture.

On motion of Mr Lipscomb: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law better to secure the collection of taxes on real estate.

Mr Booth introduced a bill to authorise Elisha Betts, of Barbour county, to adopt William Henry Betts, as his heir, which was read the first time and ordered to a second reading.

On motion of Mr Smith of D. *Resolved*, that the military committee be instructed to inquire into the expediency of abolishing camp musters, and that said committee be instructed to report by bill or otherwise.

Mr Williams of T. introduced the following resolution:

*RESOLVED*, That a committee of three members be appointed to inquire into the expediency of the State to purchase a suitable House or Lot to build on, for the use and accommodation of the Governor of the State of Alabama, and that the committee report to this House the amount it will cost to procure the same: the question being taken on the adoption of said resolution, it was lost.

Mr Rutherford offered the following resolution:

*RESOLVED*, That the committee on Privileges and Elections, be instructed to inquire into the expediency of changing the election precinct in Walker county, from George Taylor's to Job Richardson's on Lost Creek—and also into the expediency of establishing a new precinct at Jeremiah Sheppards on Burnt Corn creek, and at John Harris's at the Turnpike; and at the house of Frederic Duvall, on Wolf creek; and also one at Holly Grove, at Lost creek in said county.

The following amendments were offered, and severally accepted by Mr. Rutherford. By Mr Cook of L. that the committee be also instructed to inquire into the propriety of discontinuing the precinct at Walkers muster ground, in Lowndes county, and establishing one at Pierce's Hill, in said county.

By Mr Golding, that the committee be instructed to inquire into the expediency of abolishing the election precinct at William Young's, in Marshall county, and establishing one in lieu thereof at Beach Grove, in said county.

By Mr Jones of C. to discontinue an election precinct at Somersford's mill, in the county of Covington, and to establish in lieu thereof, one at the House of Cary Johnakin.

By Mr Harrison to discontinue an election precinct at the late residence of J. R. Hudson, and establish one at the house of William B. McPherson, in the county of Blount.

By Mr Earle to change an election precinct from Edmund Boyd's old place, to Dabney Cooper's, and to establish an election precinct at the house of Edmund Parsons, on Village creek, in the county of Jefferson.

By Mr Williams of J. to change the name of an election precinct in Jackson county, from Blansett's to Taylor's.

By Mr Simmons, to change an election precinct from Jesse Johns to the house of Shadrac Dickson, and to remove an election precinct from Buckhead to the house of John B. Wyatt, and to establish a new precinct at the house of Dawson Grimes, in the county of Pike.

By Mr Moore, of mad. to establish an additional precinct at the town of Louisville in the county of Madison.

By Mr Ellis, to establish an election precinct at Burton's Hill, in the county of Pickens.

By Mr Jones, of B. to establish an election precinct at Butlersville, at the house of Mr Pool, in the county of Butler.

By Mr Andress, to establish an election precinct at the house of John Daniel in the county of Monroe.

By Mr Grigsby, to establish an election precinct at Valley Creek Academy, in the county of Dallas.

By Mr McKnight, to discontinue an election precinct at Hogg's Mills, and also at the house of Archibald Sawyers, and establish one at the house of Thomas Curry; one at the house of Josiah M. Kennedy; and one at the house of Thomas Macons, in the county of Randolph.

By Mr Godbold, to discontinue election precincts at Jacks Springs and Nacy Cove, in the county of Baldwin.

By Mr Young, to provide for the holding elections, at precincts where neither managers nor returning officers attend to open polls or hold elections.

The resolution as amended, was then adopted.

Mr Williams of T. offered the following preamble and resolution:

Whereas the State Bank and the several Branch Banks of this State, have been established and the faith of the State pledged for the money borrowed, and all the citizens liable to be taxed for the payment of the same in case of failure or insolvency of the Banks, and whereas it is just and right that all the citizens of the State have an equal claim to an accommodation in the Banks, and that there should be an equal distribution made to all persons who may wish to borrow money, if the rules and regulations of the Banks are complied with, and that no person, or persons, should be permitted to draw large sums of money to the exclusion of others, as the small debts are safer and are generally paid with more punctuality.

*Be it therefore Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of making the following amendments to the charter of the State Bank and the several Branch Banks of the State of Alabama, with leave to report by bill or otherwise.

1st. That their shall be elected hereafter only six Directors to each Bank, and to be allowed the sum of                    dollars per day for their services, and to be excluded from all indebtedness to the Banks whilst serving as Directors.

2d. That the amount that any person or persons become indebted to the Bank at any time be limited to                    dollars.

3d. That it shall be the duty of the cashier of each Bank, to cause to be hung up in the banking room accessible to all persons, the weekly discounts and the amount of money discounted to each person or persons.

Mr Morris offered the following amendment which was accepted by Mr Williams of T.

**RESOLVED**, That the committee on the State Bank be instructed to inquire into the expediency of requiring the Bank, in bringing suits to docket the same in the books of the courts, as is now required by law in other cases which stand for trial accordingly.

The preamble and resolutions as amended were then adopted—and then the House adjourned till to-morrow, 10 o'clock.

*Friday, Dec. 14, 1838.—Ordered*, that leave of absence be granted to Mr Jones, of P. till Monday next.

A message was received from the Senate by Mr Childress, their Assistant Secretary: Mr Speaker, the Senate have passed bills of the following titles to wit:

An act for the relief of William Smith, of mad. county.

An act to authorise the Sheriff of Blount county, to serve process issued by Justices of the Peace for said county.

An act to establish the Swift Creek Manufacturing Company in the county of Autauga.

An act to prevent surprise and injury to defendants in execution.

The bills from the Senate.

To establish the Swift Creek Manufacturing Company, in the county of Autauga.

To prevent surprise and injury to defendants in execution.



To authorise the Sheriff of Blount county, to serve process issued by Justices of the Peace for said county: and for the relief of William Smith, of madison county, were severally read the first time and ordered to a second reading.

Mr Speaker laid before the House, a communication from the Secretary of State, transmitting a return of the census for marion county, for the year 1838; which was read and referred to the select committee on apportionment.

Also a report of the Branch Bank of the State of Alabama at Decatur; which was ordered to lie on the table.

On motion of Mr Porter:

RESOLVED, That a select committee be appointed who shall arrange the Bank reports in pamphlet form: whereupon Messrs. Porter, Shields and Moore of Mad. were appointed said committee.

Mr Porter moved to take from the table the reports of the Bank of the State of Alabama, and the Branches thereof at Montgomery, Decatur, Huntsville and Mobile, and the report of the Merchants and Planters Bank; which was carried.

Mr Porter then moved to refer the said reports to the select committee raised to arrange the reports for the press.

Mr Ellis presented the petition of sundry citizens, asking for the establishment of an election precinct therein named; which was read and referred to the committee on privileges and elections.

Mr Boston presented the petition of sundry citizens, praying for the establishment of a ferry therein named, which was read; and on motion of Mr Poston, referred to a select committee composed of the delegation from the counties of Limestone and Lauderdale.

Mr Earle presented the record and decree of the circuit court of Jefferson county; Divorcing Early A. Brown, from his wife, Elizabeth Brown, which was read and referred to the committee on divorce and alimony.

Mr Shortridge presented the petition of sundry citizens of Montgomery county, praying the change of an election precinct therein named, which was read and referred to the committee on privileges and elections.

Mr Mason presented the petition of sundry citizens of Jackson county, praying the passage of a law authorising the appointment of an additional surveyor in said county which was read; and on motion of Mr Mason referred to a select committee composed of the delegation from the county of Jackson.

Mr Porter, presented the petition of Solomon Sallis and his wife Sarah Sallis praying the passage of a law authorising the said Sarah to act as a free dealer which was read and referred to the committee on propositions and grievances.

Mr Payne presented the petition of sundry citizens of the county of Sumter praying for an incorporation of the Farmers Banking Association, which was read and referred to the select committee heretofore raised on that subject.

Mr Finley presented the account of James Gentry, which was read and referred to the committee on accounts. *Ordered*, that Mr Crawford be added to the select committee to which was referred a petition to alter the boundary line between the counties of Butler, Wilcox and Monroe.

Mr Godbold presented the proceedings of the commissioners court of Baldwin county, on the subject of retail licenses, which was read and referred to the committee on ways and means.

Mr Abercrombie from the committee on privileges and elections to which was referred a resolution, instructing them to inquire into the expediency of abolishing by law the course heretofore pursued by candidates aspiring to office of electioneering and treating, reported that it is inexpedient to legislate on the subject.



Mr Carmack moved that the report lie upon the table, which was lost. The question then recurring on concurring and was carried.

Mr Shields from the committee on education to which was referred a bill to incorporate Lacky Academy; reported the same back to the House without amendment and recommended its passage; the bill was then read a second time and ordered to be engrossed for a third reading.

Mr Shields from the same committee to which was referred a resolution instructing them to inquire into the expediency of the enactment of a law authorising a majority of the citizens of any township whenever they may deem it expedient to sell the sixteenth section of said township, and to apply the proceeds of such sale in any way they may think most efficient to promote education; reported as the opinion of the committee that it would be inexpedient to legislate in the manner proposed, in which report the House concurred.

Mr Cook of L. from the committee on ways and means, to which was referred the petition of sundry citizens of Barbour county, praying that the office of assessor and collector of taxes, be made two distinct offices and filled by two different persons reported that it is inexpedient to legislate thereon.

Mr Booth moved that the report lie upon the table which was carried.

Mr Cook of L. from the same committee to which was referred so much of the Governor's message, as relates to increasing the salaries of Secretary of State the State Treasurer and Comptroller of Public Accounts, reported a bill to be entitled an act, affixing the salaries of Secretary of State, the State Treasurer, and Comptroller of Public Accounts; which was read the first time.

Mr Kennedy moved to postpone the further consideration of the bill until the twentieth day of January next, which was lost, yeas 23, nays 68.

The yeas and nays being desired, those who voted in the affirmative are messrs. Carmack Clifton of C. Finley Golding Hammond Hancock Harris Harrison Henderson High Holis Jones of B Kennedy Mason McClannahan of M. Murphy Rogan Simmons Warren Williams of J. Wilson and Wyun.

Those who voted in the negative are messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Clanton Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Garner Godbold Grigshy Hall Hampton Hilliard Hogg Jones of C. Lipcomb Martin McAllister McAlpin of G. McAlpin of M. McClannahan of S. McCounel McKnight McMillion Meade Mills Mitchell Morris Morrow Moore of M. Moore of W. Neily Payne Peters Phillips Philpot Porter Priest Rutherford Searcy Seields Shortridge Slater Smith of D. Smith of M. Sommers Tarver Taylor of F Vining Walker Weissinger Withers Wright and Young.

The bill was then ordered to a second reading.

Mr Finley from the committee on Agriculture made the following report:

The committee on Agriculture, to whom was referred the memorial of M. Sessions and family, praying for compensation for the discovery of transplanting cotton, have according to order had the same under consideration, and have instructed me to report, that it seems to have been a wise policy in the General Government to patronize new and valuable discoveries by suitable rewards, in the way most equitable by granting patent rights; the salutary provisions so encouraging to improvement in the mechanical art, as well as agriculture in the country seems to point out the true source from which remuneration should be expected by the applicant, should his discovery be found upon further trial useful to a large and important portion of the union—your committee begs leave to report that it should be inexpedient to legislate on the subject.

Signed, A. FINLEY, Chairman.

In which report the House concurred.

A message was received from the Senate, by Mr Childress, their assistant secretary.

Mr Speaker, the Senate concur in the resolution from the House to elect a Judge of the County court of Montgomery county; and have amended the same by saying Saturday the 15th instant, instead of the 16th. They concur in the other resolution instructing their committees.

Ordered, that the house concur in the amendment made by the senate to the

resolution to go into the election of a Judge of the County court of Montgomery county.

Ordered, that the clerk acquaint the senate therewith.

A message was received from the Senate, by Mr Withers, their secretary.

Mr Speaker, the senate have adopted the following resolution:

*Resolved*, That the house of representatives be requested to direct the committee raised in that house, on the subject of the taking of the Census for 1838, to act jointly with a committee raised by the senate on the same subject; and that they jointly take all matters connected with the taking of the census for 1838 into consideration and report as early as convenient to their respective houses.

*Resolved*, That, by the consent of the house of representatives, the two houses will assemble in the hall of the house on Saturday next, at twelve o'clock, noon, for the purpose of electing a Judge of the County court of Chambers county; a Judge of the County court of Benton county, and five members of the Medical Board of the town of Irwinton.

The house concurred in the first resolution contained in the message; the second resolution being under consideration,

Mr Martin moved to amend the second resolution, contained in the message, by striking out so much of the same as relates to the election of a Judge of the County court of Benton county; which was carried.

Mr Crayton moved to amend by striking out so much as relates to the election of a judge of the county court for the county of Chambers; which was carried.

The resolution as amended, was then concurred in. *Ordered*, that the clerk acquaint the senate therewith, and ask their concurrence.

Mr Weissinger, from the committee on accounts, to which was referred the accounts of Samuel A. Casley, Thomas Gamage, Ransom Shipp, Packer & White—reported them back to the house, and recommended their reference to the committee on Indian affairs; in which report the house concurred.

Mr Weissinger, from the same committee, to which was referred the accounts of D. McRea, the sheriff of Barbour county, and Wm. P. Vaughn—reported that it is inexpedient that they should be allowed.

Mr Booth moved that the report lie on the table; which was carried.

Mr Morris, from the committee on Indian affairs, to which was referred the petition of George N. Mason, reported, that the congress of the United States has provided by law, for the redress therein prayed for; in which they ask the concurrence of the house. In which report, the house concurred.

Mr Morris, from the same committee, to which was referred the account of David Span, reported the same as not sufficiently authenticated, nor properly chargeable by the regulations of the army—in which report the house concurred.

Mr Clanton then had leave to withdraw the account of Mr Span.

Mr Booth, from the military committee, to which was referred a resolution of the house, instructing them to enquire into the expediency of abolishing camp musters—reported, that any legislation on the subject would be inexpedient, and asked leave to be discharged from the further consideration of the subject. Mr Mason moved that the report lie on the table, which was carried.

Mr Booth, from the same committee, to which was referred a bill to be entitled an act to repeal so much of the first section of the fourth chapter of the militia code of this state, approved December 20, 1837, as provides that no person be eligible to either of the offices of the militia of this state, above the rank of captain, unless he be at the time of election, a commissioned officer in the militia or volunteers, or shall have served three years as a commissioned of-

ficer in the militia or volunteers of this state—reported the same back to the house without amendment, and recommended its passage.

Mr Carmack moved to lay the bill on the table, which was lost.

The bill was then ordered to be engrossed for a third reading.

Mr Young moved to suspend the orders of the day, for the purpose of taking up the amendment, offered by him on yesterday, to the twenty-fifth rule of the house—which was carried.

Mr Young then moved to take up the proposed amendment to said rule, to-wit:—to add, in the second line of said rule, after the word “chair,” words “in the alphabetical order of the counties”—which was carried.

The amendment, in form as aforesaid, was then adopted as a part of the rules of this house.

The House then proceeded to the consideration of the orders of the day, and took up the bill for the relief of debtors, citizens of the State of Alabama, and for other purposes, (it being a special order;) which was read the second time and referred to the committee on the State Bank.

The next special order, to-wit:—the bill to amend and consolidate the laws in relation to county treasurers, was taken, read the second time and referred to the committee of ways and means.

Engrossed bill for the support of paupers in the county of St. Clair: to allow judges of the Supreme Court to take acknowledgement of deeds; for the better protection of slaves, in certain cases; to authorise a lottery, to remove the obstructions in the Suckanachee river, and to provide for the support of paupers, in the county of Bibb—were severally read the third time and passed.

*Ordered*, that the titles be as aforesaid, and that the same be sent to the Senate for their concurrence.

The engrossed bill to amend judicial proceedings, at common law, in regard to suits against copartners, was read—Mr McAlpine of G, moved to recommit the bill to the judiciary committee; which was carried.

The bill to incorporate the Auburn Academy, in the county of Macon, was read the second time and referred to the committee on education.

The bill to regulate damages in the Supreme Court, was read the second time and referred to the committee on the judiciary.

The bill to change the mode of collecting tax, in the county of Marion, was read the second time, and ordered to be engrossed for a third reading.

The bill to authorise the judge of the county court and commissioners of roads and revenue, in the county of Jackson, to levy and collect a tax, was read the second time—Mr Neily moved to refer the bill to a select committee, consisting of the delegation from Jackson county; which was carried.

The bill to regulate dower, was read the second time and referred to the committee on the judiciary.

The bill to authorise a lottery, to remove the obstructions in the Noxubee river, was read the second time and ordered to be engrossed for a third reading.

The bill for the relief of Henry Hunter, was read the second time and ordered to be engrossed for a third reading.

The bill for the revision of the penal code of the State of Alabama, was read the second time and referred to the committee on the judiciary.

The bill to incorporate the town of Widowee, was read the second time—Mr Porter moved to refer the bill to a select committee, which was carried—Whereupon, Messrs Porter, McKnight and Murphy were appointed said committee.

The bill to alter the time of holding the county court of the county of Covington, was read the second time and ordered to be engrossed for a third reading.

The bill to alter the law in relation to the prison bound bonds, was read the second time and referred to the committee on the judiciary.

The bill to incorporate the Light Artillery Borderers, was read the second time and referred to the committee on the military.

The bill to amend the laws in relation to the public roads, so as to require persons to be apportioned nearest their places of residence, was read the second time and referred to the committee on roads, bridges and ferries.

The bill to authorise the formation of militia companies, in the county of Covington, with a less number of privates than forty, and for other purposes, was read the second time and referred to the committee on the military.

The bill for the relief of Areely Manning, was read the second time and ordered to be engrossed for a third reading.

And then the House adjourned till to-morrow 10 o'clock.

*Saturday, Dec. 15, 1838.*—*Ordered*, that leave of absence be granted to Mr Young, until Monday next.

Mr Speaker laid before the House a memorial, addressed to him, in his official capacity, praying for legislative enactment on the subject of retailing ardent spirits; which was read and referred to the select committee heretofore raised to superintend the printing of the bank reports;—also, a communication purporting to contain sundry depositions, taken in reference to the contested election of the sitting member from the county of Cherokee—which was read and referred to the committee on privileges and elections.

Accounts were presented by Messrs. Hogg, Booth, Warren and Hilliard, which were severally read and referred.

Mr Booth presented the record and decree of the Circuit Court of Barbour county, exercising chancery jurisdiction, divorcing Eliza Crawford from her husband, Stephan Crawford; which was read and referred to the committee on divorce and alimony.

Mr Clifton of C., presented the petition of the Commissioners of Cherokee county, on the subject of the county seat: which was read and referred to a select committee, consisting of Messrs. Clifton of C, Smith of D, and Golding.

Mr Smith of D, presented the petition of sundry citizens of De Kalb county, on the subject of the county site of De Kalb county, which was read, and on motion of Mr Smith of D, referred to a select committee, consisting of the delegation from the counties of De Kalb, Jackson and St. Clair.

Mr Phillips presented the record and decree of the Circuit Court of Dallas county, divorcing Eliza McLaughlin from her husband, Peter McLaughlin: which was read and referred to the committee on divorce and alimony.

Mr Shields presented the petition of many citizens of the counties of Clark and Monroe; also of many citizens of the county of Green; also of many citizens of the county of Sumter; also of many citizens of the counties of Washington and Sumter; also the petition of sundry citizens of the State of Alabama; all praying the legislature to incorporate the Farmers' Banking Association, at Demopolis; which were severally read and referred to the select committee heretofore raised on that subject, consisting of the delegation from the counties of Marengo, Sumter and Greene.

Mr M'Alpine of M, presented the petition of Gavin Tuille and others, officers and members of the Saint Andrews Society of Mobile, prying for an act of incorporation: which was read and referred to the committee on the judiciary.

Mr Lipscomb presented the petition of William Jordan, praying for leave to build a toll bridge over Basset's Creek, in Washington county, which was read and referred to a select committee, consisting of Messrs. Lipscomb, Slater and Creagh.

Mr M'Knight presented the petition of the Commissioners of roads and revenue for Randolph county, praying the passage of a law, to authorise the building of a Court House for Randolph county; also the petition of Willis Wood, sheriff of Randolph county, praying to be released from collecting the taxes of said county, which was read and referred to the committee on the judiciary.

Mr Martin, from the committee on county boundaries, to which was referred the petition of the citizens of Washington and Sumter counties, reported a bill creating the County of ———; which was read the first time and ordered to a second reading.

Mr Taylor of F., from the committee on roads, bridges and ferries, to which was referred a resolution instructing said committee to enquire into the expediency of so amending the road laws as to authorise the judges of the county court, and the commissioners of roads and revenue, to assess a tax, not exceeding four dollars for each hand liable to work on roads in this State, to be applied to the improvement of public roads in this State, in lieu of ten days work now required by law; reported that it is inexpedient, and asked leave to be discharged from the further consideration of the same; in which the House concurred.

Mr Taylor of F., from the same committee, to which was referred a resolution proposing the passage of a law to create a fund for the purpose of building bridges over water courses becoming dividing lines between counties—reported the same as being inexpedient, and asked leave to be discharged from the further consideration of the same; in which report the House concurred.

Mr Earle, from the committee on privileges and elections, to which was referred the memorial of John H. Garret, claiming the right to represent the county of Cherokee, reported that due and proper notice has been given to the sitting member, but that the officer whose duty it was to send up the ballot boxes and tickets for examination, has failed or neglected so to do, which interposes, as your committee conceives, a barrier to its further progress in the proper investigation of the subject matter herein referred to, and recommend to the House the issuance of the necessary process, to the proper officer, commanding him to bring up the ballot boxes and tickets in said contested election.

Mr Earle then offered the following resolution, which was adopted—*Resolved*, that the committee on privileges and elections, be authorised to send for persons and papers in the contested election from Cherokee, and that the Speaker issue a subpoena, *duces tecum*, to the proper officer, to bring up the ballot boxes, tickets and tests of votes.

Mr Baker, from the committee on inland navigation, to which was referred a memorial, and sundry documents, from John R. and S. S. Henry, reported a bill to create and appoint three commissioners to settle and pay for work done on the Muscle Shoals Canal, by John R. and S. S. Henry, assignees of John Ives & Co., upon principles of equity and justice; which was read the first time and ordered to a second reading.

Mr Taylor of F., from the committee on roads, bridges and ferries, to which was referred a resolution compelling persons petitioning for opening a new road, to clear out the same, reported the same back to the House, and asked leave to be discharged from the further consideration of the same; in which report the House concurred.

Mr Morris, from the committee on indian affairs to which was referred the accounts of William Cooper, Daniel Graham, Henry T. Martin and Selden S. Walkly, reported a bill for the payment of certain claims therein named, which was read the first time and ordered to a second reading.

Mr Shields, from the committee on the judiciary, to which was referred a preamble and a resolution instructing said committee to inquire into the expediency of uniting the clerkships of the circuit and county courts of Marion county, reported that in the opinion of said committee, the law as it now exists, interposes no obstacle to an election by the people of the same individual to the clerkship of both the circuit and county courts, and that therefore it is unnecessary to legislate upon the subject, in which report the House concurred.

Mr Phillips, from the committee on divorce and alimony, to which was referred the memorial of William McKelper and Polly Rowry, his wife, praying that they may be mutually discharged from their matrimonial obligations, reported that in the opinion of the committee the case of the memorialists is alone cognizable in a court of chancery, and until that tribunal shall have deemed that they are entitled to relief, this general assembly has no power to grant their prayer; in which report the House concurred.

Mr Phillips, from the same committee to which was referred the record and decree of the circuit court of Conecuh county, divorcing Thomas B. Ballard from his wife Nancy Ballard, reported a bill to divorce Thomas B. Ballard from his wife Nancy Ballard, which was read the first time and ordered to a second reading.

Mr Lipscomb, from the committee on the judiciary, to which was referred the petition of many citizens of the city of Mobile, praying an alteration in, and amendment to the city charter, reported a bill to alter and amend the charter of the city of Mobile, which was read the first time and ordered to a second reading.

Mr Lipscomb, from the same committee to which was referred the petition of the president of the insurance offices in Mobile, praying that a fund may be created for the benefit of the fire companies in the city of Mobile, reported a bill to raise a fund for the benefit of the fire companies in the city of Mobile, which was read the first time and ordered to a second reading.

Mr Porter, from the judiciary committee to which was referred a bill to be entitled an act requiring justices of the peace to give bond and security, reported the same with sundry amendments, that is to say, strike out the second section and insert two additional sections, in which report the House concurred.

Mr Boston moved to amend the bill by adding an additional section; Mr Martin moved to lay the amendment on the table; Mr Taylor of F. moved to lay the bill and amendments on the table; Mr Payne moved to lay the bill on the table; Mr Porter moved to postpone the further consideration of the bill and amendment till Wednesday next, and that they be made the special order of the day for that time; Mr Taylor of F. moved to postpone the further consideration of the bill and amendment until the 20th day of January next, and the question being taken thereon, it was lost. The question then recurred on the motion of Mr Porter to postpone till Wednesday next, and that the bill and amendments be made the special order for that time. Mr Priest called for a division of the question; which was first taken on the motion to postpone, and carried. The question was next taken on making the bill and amendment the special order for Wednesday next, and carried.

A message was received from the Senate by Mr Childress, their Assistant Secretary:—Mr Speaker: The Senate concur in all the amendments made by the

House of Representatives to their resolutions to elect judges for the county courts for Chambers and Benton counties, and five members for the medical board at Irwinton, except striking out a Judge for Chambers county, which they insist on.

Mr Crayton moved that the House adhere to their amendment, which was lost. The question then resumed on receding and was carried: *Ordered*, That the clerk acquaint the Senate therewith.

A message was received from the Senate by Mr Childress, their Assistant Secretary:—Mr Speaker: The Senate have passed bills which originated in the House of Representatives, of the following titles, to wit: An act permanently to locate the seat of justice in the county of Pike, and for other purposes; an act to change the time of holding the county court of Autauga county; an act to change the time of holding the winter terms of the county court of Tuscaloosa county; an act to incorporate a fire company therein named; an act to incorporate the town of Jacksonville, in the county of Benton, and have amended the same as therein shewn.

The House concurred in the amendment made by the Senate to their Bill to incorporate the town of Jacksonville, in the county of Benton: *Ordered*, That the clerk acquaint the Senate therewith.

Mr Andress, from the committee on propositions and grievances, to which was referred the petition of James A. Bates of Sumter county, praying additional compensation for taking the census of said county, reported that it would be inexpedient to grant the prayer of said petition, in which report the House concurred.

Mr Andress, from the same committee to which was referred the petition of A. Winston, of Sumter county, specifying charges against Henry F. Scruggs, Judge of the county court of Sumter county, reported that the charges in said petition are not properly established, and asked to be discharged from the further consideration thereof, in which report the House concurred.

Mr Porter, from the judiciary committee to which was referred a bill to be entitled an act to regulate judicial proceedings in the courts law, and for other purposes, reported a bill in substitution therefor, and recommended its passage.

The bill having been read, Mr Harrison moved to strike out the fifth section of the substitute, which was lost. The report of the committee was then concurred in, and the bill as amended was ordered to be engrossed for a third reading.

Mr Hilliard, from the committee on enrolled bills, reported that they had examined and find correctly enrolled, "an act to regulate the time of holding the county courts of the county of Benton; and a joint resolution of the Senate and House of Representatives, requiring the Secretary of State to have shelves constructed in the library room.

Mr Grigsby, from the select committee to which was referred the resolution instructing them to inquire into the expediency of memorializing Congress upon the subject of the Canal around the Muscle Shoals, reported a joint memorial of the Senate and House of Representatives of the State of Alabama, to the Congress of the United States, which was read. Mr Finley moved to refer the memorial to a select committee, composed of the delegation from the counties of Lauderdale, Limestone, Madison, Jackson and Marshall, which was carried.

Mr Wynn, from the select committee to which was referred a bill to establish by law muster days in the 1st Division 2d Brigade of Alabama militia, re-



ported the same back to the House without amendment; the bill was ordered to be engrossed for a third reading.

Mr McClanahan of S. from the select committee to which was referred the report of the President of the Board of Commissioners for the improvement of the navigation of the Coosa river, reported a bill to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Coosa river, and for other purposes, which was read the first time and ordered to a second reading.

Mr Wynn, from the select committee to which was referred the petition of sundry citizens of Limestone county, praying for the relief of the purchasers of sixteen section of township four, range 5 west, in said county, reported a bill for the relief of purchasers of sixteen section of township four, of range five west, in the county of Limestone, which was read the first time and ordered to a second reading.

Mr Finley, from the select committee to which was referred a bill to authorize the judge of the county court and commissioners of roads and revenue for the county of Jackson, to levy and collect a tax, reported the same back to the House with an amendment to come in as a part of the third section; in which amendment the House concurred. The bill as amended was then ordered to be engrossed for a third reading.

*Ordered*, That the Senate be now invited into the Hall of the House for the purpose of electing five members of the medical board at Irwinton, a Judge of the county court for the county of Montgomery, and a Judge of the county court for the county of Chambers.

The Senators then repaired to the Hall of the House of Representatives and were seated.

The two Houses then proceeded to the election of five members of the Medical Board at Irwinton, Messrs E. B. Parke, Wm. S. Cowen, Alfred W. Jones, Elijah A. Dance and Levi S. Wellborn being in nomination.

Those who voted for Mr Parke are Messrs President Baylor Cottrell Dent Devereux Farrar Fleming Frazier Henderson Hill Hudson King Lea Lloyd McClellan McVay Mays Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Welbourn and Wilson of the Senate. Messrs Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Booth Boston Carmack Clanton Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godhold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holley Jones of B. Kennedy Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McConnell McKnight McMillion Mende Mills Mitchell Morris Morrow Moore of Mad. Moore of Mar. Moore of W. Murphy Neely Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D. Smith of M. Sommers Tarver Taylor F Taylor of M. Vining Walker Warren Weissinger Williams of J. Wilson Withers Wright and Wynn.

Those who voted for Messrs. Cowan, Jones, Dunn and Wellborn the same as Mr. Parke. Messrs. Parke, Cowan, Jones Dunn and Wellborn having received all the votes given and a majority of both Houses were declared by Mr. Speaker duly elected members of the Medical Board at Irwinton.

The two Houses then proceeded to the election of a Judge of the county court for Montgomery county, Benajah S. Bibb, alone being in nomination, for Mr. Bibb, 121.

Those who voted for Mr Bibb are Messrs President Baylor Cottrell Dent Devereux Farrar Fleming Frazier Henderson Hill Hudson King Lea McClellan Lloyd McVay Mays Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Welbourn and Wilson of the Senate. Messrs Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Boothe Boston Carmack Clanton Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godhold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holly Jones of B. Kennedy Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McConnell McKnight McMillion Mende Mills Mitchell Morris Morrow Moore of Mad. Moore of Mar. Moore of W. Murphy Neely Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Sim-



mons Slater Smith of D. Smith of M Sommers Tarver Taylor of F. Taylor of M Vining Walker Warren Weissinger Williams of J. Wilson Withers Wright and Wynn.

Mr. Bibb having received all the votes and a majority of both houses was declared by Mr. Speaker duly and constitutionally elected Judge of the County Court of Montgomery county.

The two Houses then proceeded to elect a Judge of the County Court for Chambers county. Messrs. James E. Rice, James Thompson and Eli Richards being in nomination—for Mr. Rice 52—for Mr. Thompson 7—for Mr. Richards 63.

Those who voted for Mr Rice are Messrs President Cottrell Dent Devereux Farrar Hudson King Lea McClellan Mays Ross Simmons Smith Tolmin and Ward of the Senate. Messrs Abercrombie Andress Baldwin Blassingame Bolling Carmack Clifton of C. Clifton of D. Cook of L. Crayton Creagh Crenshaw Earle Ellis Esselman Garner Grigsby Hilliard Hogg Lipscomb Meade Mills Mitchell Moore of Mar. Moore of W. Murphy Neely Phillips Searcy Shortridge Simmons Slater Tarver Weissinger Withers Wright and Wynn.

Those who voted for Mr. Richards are messrs. Baylor Fleming Henderson Lloyd McVay Rice Rains Riddle Rogers Terry Watrous Wellborn and Wilson of the Senate. messrs. Speaker Baker Bates Boothe Boston Clanton Cook of F. Crawford Douglass Finley Godbold Goldind Hall Hammond Hampton Harris Holley Jones of B. Martin Mason McAllister McAlpin of G. McAlphin of M. McClannahan of M. McClannahan of S. McConnell McKnight Morris Morrow Moore of Mad. Payne Philpot Priest Rogan Rutherford Shields Smith of D. Smith of M. Taylor of F. Taylor of M. Vining Walker Warren and Williams of J. of the house of Representatives.

Those who voted Mr. Thomson are messrs. Frazier and Hill of the Senate; and messrs. Kennedy McMillion Peters Somers and Wilson of the house of Representatives.

Mr. Richards having received a majority of all the votes given and of both Houses was declared by Mr. Speaker duly and constitutionally elected Judge of the County Court of Chambers county. The Senate then withdrew.

Mr Porter, from the select committee to which was referred the bill to incorporate the town of Wedowee, reported the same back to the House without amendment and recommended its passage. The bill was then ordered to be engrossed for a third reading.

Mr Abercrombie moved to suspend the orders of the day for the purpose of offering a memorial, which was lost. The House then proceeded to the orders of the day.

The engrossed bill authorize a lottery to remove the obstructions in the Noxubee river, was read a third time and passed. Yeas 59—nays 29.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Baldwin Baker Bolling Clifton of C. Cook of L. Creagh Crenshaw Earle Ellis Esselman Finley Garner Godbold Grigsby Hall Hampton Harris Harrison High Hogg Hollis Holly Jones of B. Lipscomb Martin Mason McAllister McAlpin of M. McClannahan of S. McConnell McNight McMillion Meade Mills Morris Morrow Moore of Mar. Neely Payne Peters Phillips Philpot Porter Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D. Smith of M. Taylor of F. Walker Warren Williams of J. Wilson and Withers.

Those who voted in the negative are Messrs Andress Bates Blassingame Booth Boston Carmack Clanton Clifton of D. Crawford Crayton Douglass Godbold Hammond Hancock Henderson Hilliard Kennedy McAlpin of G. McClannahan of M. Moore of Mad. Moore of W. Murphy Priest Simmons Vining Weissinger Williams of T. Wright and Wynn.

*Ordered*, That the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Moore of Mad. moved to suspend the orders of the day for the purpose of offering a preamble and resolutions, which was carried.

Mr Moore of Mad. then offered the following preamble and resolutions:

There are now, and have been for the last five years, two great political questions before the people of this Union.

The first—What is the legitimate currency of the United States, under the federal constitution.

The second—To whose keeping shall the public revenue be intrusted, when collected?

These questions have been, during that whole period, a perpetual source of animated discussion by the people, in their primary assemblies, in their legislative assemblies, and in their Congress halls.

To establish what is the legitimate currency, it has been strenuously urged; that the constitution has conferred on Congress the power to regulate the currency, and under that power, to incorporate a Bank of the United States, as the only means of reducing, through the medium of its bank bills, the currency to the same uniform standard throughout the several States: This power, it is admitted by the advocates of a National Bank, is not derived from any express words in the constitution itself, but is implied from the uniform action of Congress in granting successive charters; from the adjudications of the courts of justice, and from the current of public opinion in its favor.

On the other hand, this Legislature considers the question of implied powers put at rest by the express negative in the tenth amendment of the constitution, wherein it is provided:

"That the powers not delegated to the United States, by this constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

This reservation of undelegated power is moreover, put beyond a doubt by the action of the general convention that framed the constitution, in their negative on the proposition to grant letters of incorporation. Nor has the constitution, in any portion of it, recognised any other currency, either directly or impliedly, but gold or silver, and has positively declared that nothing but gold or silver shall constitute a tender. And it is certainly a political paradox, that admits of no solution, to call that which is declared by the supreme power of the government to be no tender, the currency of the most commercial nation in the world.

In whose keeping the revenue shall be intrusted, is a question of vital importance to the American people. And the great contest is, whether it shall be confided to the keeping of the agents of the government, selected from the great mass of the people for their good morals, high standing in the community, immediately responsible to the government under all the obligations it may think proper to exact, and all the penalties it may think proper to inflict; or to that of the banks, of a thousand or ten thousand stockholders, whose avowed object is gain; and whose responsibility, from their numbers; their perpetual shiftings, and their independent relation to the government, neither appointed by it nor under its control, can never be concentrated, nor safely relied upon," so long as the revenues of the general government are permitted to enter into the business transactions of the deposit Banks.

From a full view of all the facts connected with these two great leading measures of contending parties, and while this Legislature, and a large majority of the people of this State, would greatly prefer the establishment of the sub Treasury system, as recommended by Mr. Van Buren, to the re-charter of a United States Bank, yet it is needless to attempt to conceal the fact, that there is a large and highly respectable number of long tried Democrats, scattered throughout the Union, who have honestly differed with him, in regard to the policy of this particular measure, whose opinions are entitled to consideration, so long as the freedom of opinion shall be tolerated by our constitution, and the genius of our Government.

This class of our fellow-citizens still adhere to the Democratic principles, which brought into power, our beloved and venerable Ex-President, General Jackson, and aided, by their support, in sustaining him, in the mighty conflict against the United States Bank, and the combined monied influence of the country, which was then, and is now arrayed against him, and the leading measures of his administration. That nothing is now wanting to secure the triumph of Democratic principles, which they, in common with their Democratic brethren, aided to achieve, in the election of Mr Van Buren to the chief magistracy, but to heal the unhappy dissensions among themselves, by mutual concession, and a liberal spirit of compromise, on a single subject, acknowledged by all, to be purely a matter of policy: Therefore,

*Be it resolved by the Senate and House of Representatives of the State of Alabama in general assembly convened,* That Alabama has uniformly been one of the foremost among her sister States, in the support of democratic republican principles, and her citizens hail with pride and pleasure the bold and manly stand taken by Mr Van Buren, against the re-charter of the Bank of the United States; and against the fanatical spirit, which would dissolve this Union, if attempted to be carried out by the Abolitionists.

*Be it further resolved by the authority aforesaid,* That our Senators be instructed, and our Representatives be requested, to oppose and vote against the recharter of a Bank of the United States, or the establishment of any other kind of Bank by the Congress of the United States.

*Be it further resolved by the authority aforesaid,* That our Senators be instructed, and our Representatives requested to vote for the entire separation of the public revenue from the business operation of any Bank or Banks whatever, for banking purposes; and that the custody of the Banks should only extend to the safe keeping of the public revenue as a special deposit regulated by law.

*And be it further resolved by the authority aforesaid,* That it is the deliberate opinion of the general assembly of the State of Alabama, that the notes of the sound and solvent Banks in the

several States, after they shall have resumed specie payments, ought to be received in the collection of all dues to the general government, in the respective States where they may be located.

*And be it further resolved,* That the Governor is hereby requested to transmit a copy of the foregoing preamble and resolutions, to each of our Senators and Representatives in the Congress of the United States from this State.

Mr Moore of Mad. moved that the further consideration of the preamble and resolutions be postponed till Monday next, and that they be made the special order of the day for that time. Mr Payne moved to amend the motion by providing that 100 copies of the preamble and resolutions be printed, which was agreed to. The motion to postpone as amended was also agreed to.

And then the House adjourned till Monday 10 o'clock.

*Monday, Dec. 17.*—Mr Speaker laid before the House the record and proceedings of the circuit court of Dale county, exercising chancery jurisdiction, divorcing Mary Clarke from her husband Elijah Clarke, which was read and referred to the committee on divorce and alimony.

Mr Booth presented the petition of sundry citizens of Barbour county, praying the establishment of an election precinct therein named, which was read and referred to the committee on propositions and grievances.

Mr Harrison presented the petition of sundry citizens of Blount county, praying the removal of an election precinct therein named, which was read and referred to the committee on privileges and elections.

Accounts were presented by Messrs Creagh and Warren, which were severally read and referred.

Mr Smith of D. presented the petition of sundry citizens of DeKalb county, praying for legislative enactment to encourage John R. Smedly and Solomon Farnsabeth, in the erection of certain machinery, which was read and referred to the committee on propositions and grievances; also, the petition of John Brandon and others, praying for a charter for a turnpike road, which was read and referred to the committee on roads, bridges and ferries; also, the petition of sundry citizens on the subject of 16th sections, which was read, and on motion of Mr Smith of D. referred to the committee composed of the delegation from the counties of DeKalb, Marshall, Cherokee and Benton; also, the petition of sundry citizens of DeKalb county, on the subject of the Banks, which was read and referred to the committee on the State Bank; also, the petition of the commissioners court of DeKalb county, praying the passage of a law to authorize the building of a poor house in the county of DeKalb, which was read and referred to a select committee composed of the delegation from DeKalb and Benton, also, the petition of S. B. Waters and others, praying for a charter for a turnpike road therein named, which was read and referred to the committee on roads, bridges and ferries.

Mr Phillips presented the petition of Ma't Gayle and others; praying for relief as therein shewn, which was read and referred to the committee on propositions and grievances.

Mr Grigsby presented the petition of the Selma Rangers, which was read and referred to a select committee composed of the delegation from the county of Dallas.

Mr McClanahan of S. presented the petition of William B. Hardwick and George J. Hardwick, praying for relief as therein shewn, which was read and referred to the committee on the judiciary.

Mr Payne presented the petition of sundry citizens, praying for an abolition of the retail of ardent spirits, which was read and referred to the committee on

propositions and grievances; also, the petition of sundry citizens of the county of Sumter, praying the establishment of a Branch of the Bank of the State of Alabama, at Gainesville, which was read and referred to the committee on the State Bank.

Mr Phillips, from the committee on divorce and alimony, to which was referred a decree of the circuit court of Lawrence county, divorcing Nancy Patterson from her husband Edward Patterson, which was read the first time and ordered to a second reading.

Mr Phillips, from the same committee to which was referred the record and decree of the circuit court of Lawrence county, divorcing Mary H. Rutledge from her husband, William P. Rutledge, reported a bill to divorce Mary H. Rutledge from her husband William P. Rutledge, which was read and ordered to a second reading.

Mr Morris, from the committee on indian affairs, to which was recommitted the account of Martin Kinzy, reported it not sufficiently authenticated, nor properly chargeable against the State in which they ask the concurrence of the House. Mr Hall moved that the report lie on the table, which was carried.—Mr Hall asked leave to withdraw the account, which was granted.

Mr Taylor of F. from the committee on roads, bridges and ferries, to which was referred the petition of John Brandon and others, praying permission to open a turnpike road, reported a bill to authorize John Brandon and others to open a turnpike road therein named, which was read the first time and ordered to a second reading.

Mr Morris, from the committee on indian affairs to which was referred the account of John W. W. Jackson, reported that it is inexpedient to allow the same, in which report the House concurred.

Mr Andress, from the committee on propositions and grievances, to which was referred the petition of Solomon Sallis, reported a bill for the relief of Sarah Sallis, which was read the first time and ordered to a second reading.

Mr Andress, from the same committee to which was referred so much of the Governor's message as relates to the establishing a public ware-house in the city of Mobile, reported that it is inexpedient to legislate thereon, in which report the House concurred.

Mr Taylor of F. from the committee on roads, bridges and ferries, to which was referred the petition of Wyzer and others, praying permission to build a bridge across the Black Warrior, reported a bill to authorize a toll bridge to be built across the Warrior river, which was read the first time and ordered to a second reading.

Mr Cook of L. from the committee of ways and means to which was referred the bill to amend and consolidate the laws in relation to county Treasurers, reported the same back to the House with sundry amendments, which the House proceeded to consider. The first amendment, to wit: to strike out the word "three" in the sixth line of the first section, and insert "one" being under consideration. Mr Carmack called for a division of the question, which was first taken on striking out, and lost. The second amendment proposed by the committee to insert in the seventh line from the bottom, in section first, the following: "and shall receive and pay out all moneys which he may officially receive according to the provisions of this act," which was concurred in. Mr Hampton moved to amend the 16th section of the bill, by striking out the words "grand jurors" and insert "judge of the county court and commissioners of roads and revenue once in each and every year." Mr McClanahan of S. moved to lay the

amendment proposed by Mr Hampton, on the table, which was carried. Mr Young moved to amend the bill by adding an additional section, to come in after section 17, which was carried. Mr Hammond, who voted in the majority, moved a reconsideration of the vote on laying the amendment of Mr Hampton on the table, which was lost. Mr Creagh moved to amend the bill by striking out of the 17th section the following, "one half, and the other half to the person suing for the same." Mr Morris moved to lay the amendment offered by Mr Creagh on the table, which was carried. The bill as amended then was ordered to be engrossed for a third reading.

A message was received from his Excellency the Governor, by Mr Gooch, his private Secretary:

EXECUTIVE DEPARTMENT, Tuscaloosa, Dec. 17, 1838.

*Gentlemen of the Senate and of the House of Representatives:*

I have the honor to lay before you the accompanying communication from Major Gen. Gaines, of the Army of the United States, with a diagram of a system of Rail Roads, which owing to the distinguished source from which they emanate, as well as the intrinsic importance of the subject, I-beg leave to recommend to your most respectful consideration. Signed A. P. BAGBY.

Mr McClanahan of S moved to refer the documents accompany the message to the committee on internal improvements.

Mr Jones of B moved that 300 copies of the accompanying documents be printed for the use of the House. Mr Hamilton moved to postpone the further consideration of the subject until the 20th day of January next. Mr McAlpin of M moved to lay the documents on the table, and that 300 copies be printed. Mr Baker moved to print 100 copies. The question was first taken on the motion of Mr Harrison and was lost. A division of the question was called for on the motion of Mr McAlpin of M. and the question was taken on the motion to lay upon the table and carried. The question was then taken on the motion to print 300 copies, and lost. The motion of Mr Baker that 100 copies of the documents be printed, was then carried.

*Ordered,* That Mr Warren be added to the committee on indian affairs.

Mr Cook of D. from the committee of ways and means, to which was referred a petition from the judge of the county court and commissioners of roads and revenue of Baldwin county, praying the repeal of the fifth section of an act to amend the laws in force in relation to retailers of spiritous liquors, approved Dec. 23, 1837, reported that it is inexpedient to legislate thereon, in which report the House concurred.

Mr Martin, from the committee on county boundaries, to which was referred the petition of the citizens of Washington and Sumter counties, praying a division of the same, reported that having had several petitions under consideration and having granted the prayer of this in a former report, the said petitions are reported back to the House with a request that the committee be discharged from the further consideration of the subject, in which report the House concurred.

Mr Booth, from the committee on military affairs, which was instructed by a resolution of this House to inquire into the expediency of exempting ministers of the gospel from serving on the patrol, reported that in the opinion of the committee, any legislation on the subject would be inexpedient, and asked to be discharged from the further consideration of the same. Mr Baker moved that the report lie on the table, which was carried.

Mr Morris, from the committee on indian affairs, to which was referred the account of Parker and White, reported the same as not properly authenticated,

in which they asked the concurrence of the House. Mr Baldwin moved that the report lie on the table, which was carried.

Mr Morris, from the same committee to which was referred the account of Thomas C. Efford, reported the same as not sufficiently authenticated, in which they ask the concurrence of the House. Mr Booth moved that the report lay on the table, which was carried.

Mr Mason, from the select committee to which was referred a memorial praying the legislature to pass a law requiring the judge of the county court of Jackson county, and the commissioners of roads and revenue to appoint an additional surveyor for Jackson county, to reside east of the meridian of Bellfonte, reported a bill to appoint an additional surveyor for the county of Jackson, which was read a first time and ordered to a second reading.

Mr Earle offered the following resolutions: *Resolved*, That a special Sergeant at arms be appointed by the House, whose duty it shall be to serve all process which may be awarded, pending the contested election under consideration, and pending the investigation of the official conduct of Thomas A. Walker, Solicitor of the seventh judicial circuit.

*Resolved*, That so soon as said investigations are ended, the duties and powers of said Sergeant at Arms shall cease. Mr Martin moved to lay the resolutions on the table, which was lost. The question then resumed on the adoption of the resolutions, and was carried.

Mr Hall moved to suspend the consideration of the orders of the day, for the purpose of offering a resolution, which was carried.

Mr Hall then offered the following resolution: *Resolved*, That the citizens who are here in attendance as delegates to the democratic convention, which convenes this day, be permitted to assemble and organize their convention, and conduct its proceedings in this Hall at any time when the House will not be in session; and the question being taken on the adoption of the resolution, it was carried. Yeas 78—Nays 17.

The yeas and nays being desired those who voted in the affirmative are Messrs Speaker Abercrombie Baldwin Baker Bates Blassingame Boston Carmack Clanton Clifton of C. Cook of L. Crawford Crayton Creagh Douglass Ellis Earle Finley Garner Godbold Golding Grigsby Hall Hammon Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Holley Jones of C Lindsey Lipcomb Martin Mason McAlister McAlpin of G. McAlpin of M. McCannahan of M. McClannahan of S McConnell McNight McMillan Mills Mitchell Morris Morrow Moore of W Murphy Payne Peters Phillips Philpot Rogan Rutherford Searcy Shields Shortridge Slater Smith of D. Sommers Tarver Taylor of F. Taylor of M. Vining Walker Weisinger Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.

Those who voted in the negative are Messrs Andress Bolling Clifton of D. Crenshaw, Esselman Hollis Jones of B Jones of P Kennedy Meade Moore of Mad. Moores of Mar. Neily Porter Priest Simmons and Smith of M.

The House then proceeded to the consideration of the orders of the day, and took up the preamble and resolutions heretofore offered by Mr Smith of M. and the amendments offered by Messrs Porter and Young, being the first special order. Mr Porter moved to strike out all of the amendment heretofore offered by him after the word "resolved" for the purpose of inserting a substitute.

A message was received from the Senate by Mr Withers, their Secretary:—Mr Speaker: The Senate have passed bills of the following titles, viz: an act to incorporate the Carthage Female Academy; an act to give a specific name to a literary institution near Marion, in the county of Perry; an act declaring Sipsey river a public highway; in which they ask the concurrence of your honorable body.

And then the House adjourned until to-morrow 10 o'clock.

*Tuesday, Dec. 18.*—Mr M. M. Burke, a representative elect from the coun-

ty of Wilcox, appeared within the Hall of the House, was qualified and took his seat.

The House took up the message from the Senate and the several bills accompanying the same. The bills from the Senate declaring Sipsey river a public highway: to give a specific name to a literary institution near Marion, in the county of Perry, and to incorporate the Carthage Female Academy; were severally read the first time and ordered to a second reading.

A message was received from the Senate by Mr Childress, their assistant secretary. Mr. Speaker, the Senate have passed bills of the following titles, viz:

An act to alter and amend the law now in force, fixing the salaries of certain State officers.

An act to change the time of holding the county courts of the county of Benton, in which they ask the concurrence of your honorable body.

The bills from the Senate to alter and amend the law now in force fixing the salaries of certain State officers and change the time of holding the county courts of the county of Benton, were severally read the first time and ordered to a second reading on to-morrow.

Accounts were presented by Messrs. Creagh and McAllister, which were severally read and referred.

Mr Martin presented the account of M. Bart, which was read and referred to a select committee composed of Messrs Meade and McConnel.

Mr Smith, of D. presented the petition of sundry citizens of DeKalb county, on the subject of election precincts which was read and referred to the committee on privileges and elections. Also, the petition of sundry citizens of DeKalb county praying for an act to incorporate Franklin Academy. Also, the petition of sundry citizens of DeKalb county, on the subject of sixteenth sections which were severally read and referred to the committee on education.

Mr Baker presented the petition of John G. Ormond, James E. Saunders, John T. Abernathy, Jack Shackelford, T. Saunders and Alexander Sale, a committee on the part of the board of trustees of Lagrange College, praying for an appropriation to aid said College which was read. Mr. Young, moved to lay the petition on the table. Mr Baker, moved to refer the petition to a select committee which was carried, whereupon Messrs Young, Walker, Moore, of Mr. Baker and Priest, were appointed said committee.

A message was received from the Senate by Mr. Childress, their assistant secretary. Mr. Speaker, the Senate have adopted the following resolution.

**RESOLVED**, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Thursday next, at 12 o'clock noon, for the purpose of electing a Judge for the county court of Benton county, Solicitor of the 6th Judicial Circuit, a Judge of the county court of Franklin county and a Judge of the county court of Clarke county.

Mr Bolling moved to amend the resolution of the Senate, by striking out so much of the resolution as relates to the election of a Solicitor of the sixth judicial circuit which was carried. Mr Baker moved to strike out so much as relates to the election of a judge of the county court of Franklin county, which was carried. Mr Creagh, moved to strike out so much as relates to the election of a judge of the county court of Clarke county. Mr Hall moved to lay the resolution on the table which was carried.

A message was received from his Excellency the Governor, by Mr Gooch, his private secretary: Mr. Speaker, his Excellency the Governor this day approved and signed: An act to regulate the time of holding the county courts for the county of Butler: Also, a joint resolution of the Senate and House of Representatives, requiring the secretary of State to have shelves constructed in the



Library room, both of which originated in the House of Representatives. Mr. Wilson, presented the petition of sundry citizens of Jackson county, praying for relief as therein shewn, to Henry Blancet, which was read and referred to the committee on propositions and grievances.

Mr Walker, presented the petition of sundry citizens of Lawrence county, praying for an abolition of the law authorising the retail of spirituous liquors, which was read and referred to the committee on propositions and grievances.

Mr Golding, presented the petition of sundry citizens of Marshall county, praying for an abolition of the law authorising the retail of spiritous liquors, which was read and referred to the committee on propositions and grievances.

Mr Hilliard, presented the petition of Cyrus Phillips, praying for a remission of difference of exchange which was read and referred to the committee on the State Bank.

Mr Shortridge, presented the petition of sundry citizens of Montgomery county, praying for an abolition and establishment of an election precinct which was read and referred to the committee on privileges and elections.

Mr Blassingame presented the petition of E. F. King, which was read and referred to a select committee consisting of the delegation from the counties of Perry and Bibb.

Mr McClannahan, of S. presented the petition of sundry citizens of Shelby county, praying for an abolition of the retail of ardent spirits, which was read and referred to the committee on propositions and grievances.

Mr Peters, presented the petition of Alexander Huffman and others, praying for an alteration of the road laws which was read and referred to the committee on roads, bridges and ferries.

Mr Booth, from the committee on military affairs, to which was referred a bill to authorise the formation of militia companies in the county of Covington, with a less number of privates than forty, and for other purposes, reported the same back to the House without amendment and recommended its passage.

The bill was then read the second time and ordered to be engrossed for a third reading. Mr Booth from the same committee, reported a bill to authorise the formation of an additional regiment in the county of Barbour which was read the first time and ordered to a second reading.

Mr Mason from the committee on enrolled bills, reported that they examined and find correctly enrolled: An act to change the time of holding the county court of Autauga county: An act permanently to locate the seat of justice in the county of Pike and for other purposes: An act to change the time of holding the winter terms of the county court of Tuscaloosa county: An act to incorporate a fire engine company therein named, and: An act to incorporate the town of Jacksonville, in the county of Benton, all of which originated in the House of Representatives.

Mr Porter, from the select committee on printing, to which was referred a petition on temperance asked leave to report the same back to the House and to be discharged from the further consideration of the subject. Mr Carmack moved that the report lie on the table which was carried.

Mr Vining, introduced a bill to authorise Henry C. Dana, to make a title to a certain tract of land, which was read the first time, and ordered to a second reading.

On motion of Mr Rogan *Resolved*, that the committee on roads, bridges, and ferries be instructed to inquire into the expediency of so amending the road laws, as to require overseers of the road to divide the time of their service so as to re-



serve at least three days (out of the ten now required to be performed on public roads) for the last six months of each and every year.

*And be it further Resolved*, that said committee inquire into the expediency of amending said laws, so as not to require apportioners to return overseers as defaulters when they have faithfully performed their duty and worked out their ten days, subject however to the above division.

On motion of Mr Moore, of mad. *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law, giving to one security who may be sued, the same remedy by notice and motion against his co-security, who is not sued to which a security is now entitled against his principle, with leave to report by bill or otherwise.

Mr Harrison introduced a bill to change the name of a certain person therein named, which was read the first time and ordered to a second reading.

Mr Crenshaw, introduced a bill regulating the manner in which certain bonds therein named shall be taken and approved, which was read the first time, and ordered to a second reading.

Mr Payne, introduced a bill to incorporate the town of Warsaw, in Sumter county, which was read the first time and ordered to a second reading.

Mr Phillips introduced a bill more effectually to punish the vile practice of trading with slaves, which was read the first time and ordered to a second reading.

Mr Crenshaw, introduced a bill regulating the pay of jurors and for other purposes, which was read the first time and ordered to a second reading.

Mr Payne, introduced a bill to incorporate the male Academy, in the town of Livingston, which was read the first time and ordered to second reading.

Mr Grigsby offered the following resolution which was adopted to wit:

**RESOLVED**, That a select committee be appointed on the part of this House, consisting of one member from each Judicial circuit, to act with such a committee on the part of the Senate, whose duty it shall be to inquire into the expediency of altering and remodelling the banking laws of this State, with leave to report to their respective Houses by bill or otherwise, and that the Senate be forthwith advised of the adoption of this resolution by the House.

Whereupon, messrs Grigsby, Lipscomb, Vining, McAlpine, of G. Hilliard, Booth, Williams, of T. High and McConnell, were appointed said committee on the part of the House.

Mr Clifton, of D. introduced a bill to incorporate the town of Warrenton, which was read the first time and ordered to a second reading.

Mr Crenshaw introduced a bill to be entitled an act shewing how far parole evidence shall be admissable to explain bills of lading, which was read the first time and ordered to a second reading.

Mr Finly introduced a bill to incorporate the Bellefonte Academy in the county of Jackson, which was read the first time and ordered to a second reading.

Mr Baker offered the following preamble and resolutions:

**WHEREAS** the subject of relief has much excited the public mind, and from the deep interest manifested on this important subject by many of our most worthy citizens.

*Be it therefore Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of repealing so much of the relief laws (passed at the called session) as prohibits individuals from further accommodation in the State Bank and Branches until the whole of the present indebtedness shall have been paid.

*Resolved further*, That the same committee be instructed to inquire into the expediency of passing a law authorising the directors of the State Bank and Branches to renew the notes of individuals that have been protested for non-payment by their paying the first instalment and giving unquestionable notes for the balance, with leave to report by bill or otherwise.

Mr Payne moved to amend by striking out the first resolution, which was

lost. The question then recurred on the adoption of the resolution and was carried.

On motion of Mr Smith of D. *Resolved*, That with the concurrence of the Senate that the examining joint committee on the State Bank be instructed to inquire whether or not the State Bank with its several branches are uniform in interest and exchanges exacted, and if not devise means by which hereafter they may be so; *Ordered*, that the clerk acquaint the Senate therewith.

A message was received from the Senate by Mr Childress their assistant Secretary. Mr. Speaker: the Senate have passed bills of the following titles which originated in the House of Representatives.

An act to authorise the continuance of a company beat in the county of Wilcox with a less number than forty privates. Joint memorials of the Senate and House of Representatives of the State of Alabama to the Congress of the United States.

Mr Jones of B. introduced a bill to alter the mode of assessing and collecting the county tax of Benton county; which was read and ordered to a second reading.

Mr Abercrombie introduced a memorial to the Congress of the United States on the subject of the Creek Indian depredations. The House then proceeded to the consideration of the orders of the day, and resumed the consideration of the preamble and joint resolutions heretofore offered by Mr. Smith of M. together with the amendment proposed by Mr Porter and Mr Young. The motion of Mr Porter to strike out all his amendments for the purpose of inserting a substitute still being under consideration. Mr Smith of M. moved to postpone the further consideration of the subject till Thursday next at eleven o'clock and that the same be made the special order for that time. Mr Crenshaw moved to postpone the further consideration of the subject till the second Monday in January next, and then the House adjourned till to-morrow ten o'clock.

*Wednesday, Dec. 17.*—Accounts were presented by Messrs. Clifton of C. Holly and Moore of W. which were severally read and referred.

Mr Smith of D. presented the petition of sundry citizens of Cherokee and DeKalb counties, remonstrating against the grant of a charter to S. C. Newman and S. B. Watts for a turnpike road therein named; which was read and referred to the committee on roads, bridges and ferries.

Mr Crayton presented the proceedings of the grand jury of Macon county on various subjects of State policy; which were read and referred to the committee on the judiciary.

Mr Simmons presented the petition of sundry citizens of Pike county, praying for relief as therein shewn; which was read and referred to the committee on the State Bank.

Mr Rutherford presented the petition of sundry citizens of Walker county praying for relief for Edmund Biddy as therein shewn; which was read and referred to the committee on propositions and grievances.

Mr Moore of W. presented the petition of sundry citizens of the county of Wilcox, praying for the incorporation of an institution therein named; which was read and referred to a select committee composed of the delegation from the county of Wilcox: Also the petition of sundry citizens of the county of Wilcox begging for the abolition of the retail of ardent spirits; which was read and referred to the committee on propositions and greivances.

Mr Taylor of F. from the committee on roads, bridges and ferries to which was referred the petition of David Shelton and others praying to open a certain

road therein named, which was read the first time and ordered to a second reading.

Mr Porter from the judiciary committee to which was referred a bill to abolish imprisonment for debt, reported a bill in lieu thereof which was read.

Mr McAlpin of M. moved to strike out the amendment in the first section the words "fourth day of July" and insert in lieu thereof first of February," which was carried. Mr Porter moved to amend the amendment by an additional section; which was carried. Mr Morris moved to strike out of the amendment the third section. Mr Lipscomb moved to recommit the bill to the judiciary committee, which was carried.

A message was received from the Senate by Mr Childress their assistant secretary. Mr Speaker: the Senate have passed bills of the following titles to wit:

An act to authorise the mobile college to confer degrees and to exempt the propriety thereof from taxation; An act to incorporate the town of Lowndesboro' in the county of Lowndes; An act to amend the laws now in force respecting runaway slaves.

The bills from the Senate, to authorise the mobile college to confer degrees and exempt the the property thereof from taxation, to incorporate the town of Lowndesboro' in the county of Lowndes; to incorporate the marble spring academy in the county of Talladega, and to amend the laws now in force respecting runaway slaves; were severally read the first time and ordered to a second reading.

Mr Andress from the committee on propositions and grievances, to which was referred the petition of John B. Smedly and Solomon Farnsmeth, signed by many citizens; reported that it would be inexpedient to grant the prayer of said petitioners. Mr Smith of D. moved that the report lie on the table, which was carried.

Mr Andress from the same committee to which was referred the petition of Matthew Gayle and others of Dallas county; reported that the petition is not a proper subject for deliberation of this Legislature and asked leave to be discharged from the further consideration thereof. Mr Philips moved that the report lie upon the table, which was carried.

Mr Priest from the select committee to which was referred the petition of Thomas S. Bibb and others citizens of Lawrence county, reported a bill prescribing the mode of establishing and licensing toll bridges, canseways and ferries; also defining the rights and liabilities of the owners thereof; which was read the first time and ordered to a second reading.

Mr Vining from the select committee to which was referred the petition of F. T. Mastin and others praying an act of incorporation of Union Hotel Company, reported a bill to incorporate the Union Hotel Company; which was read the first time and ordered to a second reading.

The memorial to the Congress of the United States on the subject of the Creek Indian depredations, introduced yesterday by Mr Abercrombie, was taken up and read. Mr McAlpin of M. moved to refer the memorial to a select committee. Mr Abercrombie moved that the reconsideration of the memorial be postponed till Saturday next, that the same be made the special order for that time and that one hundred copies thereof be printed; which was carried. *Ordered*, that Mr Finley be added to the committee on privileges and elections. *Ordered*, that Mr Blassengame be added to the committee, to which a petition in favor of Lagrange College was referred on yesterday.

On motion of Mr Earle, *Resolved*, That this House will now proceed to the election of a special sergeant at arms. The House then proceeded to the election of a special sergeant at arms; Henry S. Smith alone being in nomination and having received the whole number of votes given, Mr Speaker declared him duly elected special sergeant at arms to this House.

Mr Crenshaw introduced a bill providing for a call of a convention of the State of Alabama to alter and amend the constitution of said State, which was read the first time. Mr Crenshaw moved that the further consideration of the bill be postponed till the first Monday in January next and the same be made the special order of the day for that time, which was carried.

On motion of Mr Harrison, *Resolved*, That the committee on the State Bank enquire into the expediency of so amending the law legalizing the suspension of specie payments as to require the State Bank and the several branches to redeem with specie their notes of five dollars and those of smaller denominations from and after the first day of January next, their notes of ten dollars from and after the first day of April next, their notes of twenty dollars from and after the first day of July next; their notes of fifty dollars from and after the first day of October next. *Be it further Resolved*, That said committee inquire into the expediency of granting a further extension of four years upon all debts due and running to maturity owing to said banks; *provided*, that those indebted shall renew their notes with good and solvent endorsers or by mortgage on personal or real estate, secure the same with leave to report by bill or otherwise.

Mr Holly introduced a bill to incorporate the Dadeville Male Academy; which was read and ordered to a second reading.

On motion of Mr Smith of D. *Resolved*, That the committee on ways and means be instructed to inquire whether or not the Secretary has provided weights and measures as now required by law for for the several counties of this State and if not that they report some proper mode of having this duty assigned by law to the Secretary of State promptly and duly attended to.

Mr Holly introduced a bill to incorporate the Dadeville Female Academy, which was read the first time and ordered to a second reading.

On motion of Mr Neily, *Resolved*, That the committee on inland navigation be instructed to inquire into the expediency of making an appropriation to clear the obstructions for steam boat navigation in the Little Bigbee river from the State line down to Demopolis and that they have leave to report by bill or otherwise.

On motion of Mr Abercrombie, *Resolved*, That the committee on county boundaries be instructed to inquire into the expediency of so amending the constitution in relation to the boundaries of counties as to admit of their being reduced to a less size than nine hundred square miles which may better comport with the convenience and interest of a portion of the good people of this State.

Mr Shortridge introduced a bill for the relief of Parker and White, which was read the first time and ordered to a second reading.

Mr Cook of L. introduced a bill to suspend suits against executors &c., for twelve months from the time of proving the bills of testators or of granting letters of administration; which was read the first time and ordered to a second reading.

Mr Godbold introduced a bill to authorise Joseph Booth to remove the property of his wards and for other purposes, which was read the first time and ordered to a second reading.

On motion of Mr. Hilliard, *Resolved*, That his Excellency the Governor be

requested to open a correspondence with the Secretary of War and apply to him for suitable arms to be used by a volunteer artillery company in the city of Montgomery called "the true blues" which arms when received shall be subject to the order of the officers of said company upon their complying with such terms and conditions as his Excellency may think proper to name.

Mr Withers introduced a bill to sell the real estate of Matthew B. Rice dec'd. which was read the first time and ordered to a second reading.

Mr Jones of C. introduced a bill to alter and amend an act on the subject of public roads, Approved December 23d 1836, so far as regards the county of Covington; which was read the first time and ordered to a second reading.

Mr Hammond offered the following resolution: *Resolved*, That the president of the State Bank and branches be and they are hereby required to furnish to this House a statement shewing the mode of recommending paper for discount together with a list of those of the members of the General Assembly who have recommended bad and doubtful paper during the last two years.

The House then proceeded to the orders of the day, and resumed the consideration of the preamble and joint resolutions heretofore offered by Mr Smith, of M. and the amendments offered thereto by Mr Porter, together with the motion of Mr Porter, to strike out all of his amendments after the word "*Resolved*," for the purpose of inserting a substitute; the motion of Mr Crenshaw to postpone the further consideration of the subject until the second Monday in January next, being undecided. Mr Clifton, of D. moved to amend the motion of Mr Crenshaw, by striking out the second and inserting the first Monday in January, which was accepted by the original mover; Mr Crenshaw, then with the leave of the House, withdrew the motion. Mr Burke, renewed the motion to postpone till the second Monday in January next, and the question being taken thereon it was lost, yeas 23, nays 73.

The yeas and nays being desired, those who voted in the affirmative are:

Messrs. Bates Blassingame Burke Clifton of D. Crawford Crayton Crenshaw Ellis Garner Grigsby Hogg Hollis Holly Jones of B. Kennady Meade Moore of W. Peters Phillips Priest Simmons Williams of T. and Wright.

Those who voted in the negative, are Messrs Speaker Abercrombie Address Baldwin Baker Bolling Booth Boston Carmack Clanton Clifton of C. Cook of L. Creagh Douglass Earle Esselman Finley Godbold Golding Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Jones of C. Jones of P. Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of M. McClannahan of M. McClannahan of S. McConnell McKnight McMillion Mills Mitchell Morris Morrow Moore of M. Moore of Mar. Murphy Neely Payne Philpot Porter Rogan Rutherford Searcy Shields Shortridge, Smith of D. Smith of M. Sommers, Tarver Taylor of F. Taylor of M. Vining Walker Warren Weissenger Williams of J. Wilson Withers Wynn and Young.

Mr Hall moved to lay the substitute offered by Mr Porter on the table which was carried. Yeas 71, nays 25.

The yeas and nays being desired. Those who voted in the affirmative, are Messrs. Speaker Abercrombie Baldwin Bates Blassingame Booth Boston Burke Carmack Clanton Clifton of C. Clifton of D. Cook of L. Crayton Douglass Findley Garner Godbold Golding Grigsby Hall Hammond Hancock Harris Harrison Henderson High Hogg Hollis Holly Jones of C. Lindsey Lipscomb Martin Mason McAllister McAlpin of M. McClannahan of M. McClannahan of S. McConnell McKnight McMillion Mills Morris Morrow Moore of M. Moore of W. Murphy Payne Philpot Rogan Searcy Shields Shortridge Simmons Slater Smith of D. Smith of M. Sommers Tarver Taylor of F. Taylor of M. Vining Walker Warren Weissinger Williams of J. Wilson Withers Wynn and Young.

Those who voted in the negative, are Messrs. Address Baker Bolling Crawford Creagh Crenshaw Earl Ellis Esselman Hampton Hilliard Jones of B. Jones of P. Kennedy McAlpin of G. Mead Mitchell Neely Peters Phillips Porter Priest Rutherford Williams of T. and Wright.

The question then came up on the adoption of the amendment afforded by Mr Porter to the original preamble and resolutions offered by Mr Smith of M. Mr Abercrombie moved to lay the amendment on the table. Mr Payne moved to postpone the further consideration until the last day of January next, which was carried, yeas 45, nays 30.

The yeas and nays being desired. Those who voted in the affirmative are Messrs Speaker Abercrombie Andress Baldwin Baker Bates Blassengame Burke Carmack Clanton Clifton of C Cook of L Crawford Crayton Creagh Crenshaw Ellis Esselman Finley Garner Golding Grigsby Hampton Harris Harrison Henderson High Hillard Hogg Hollis Jones of B McAlpin of G McClannahan of M Meade Mills Morris Morrow Moore of Mad. Moore of W. Murphey Neily Payne Peters Phillips Philpot Priest Rogan Rutherford Shortridge Simmons Smith of D. Smith of M. Vining Walker Warren Williams J. Williams of T. Wilson Withers Wright Wynn and Young.

Those who voted in the negative are Messrs. Bolling Booth Boston Clifton D. Douglass Earle Godbold Hall Hammond Hancock Holley Jones of C. Jones of P. Lipscomb Martin Mason McAllister McAlpin of M. McClannahan of S. McKnight McMillion Mitchell Moore of Mar. Porter Searcy Shields Slater Sommers and Weissinger.

The question being on the adoption of the preamble and joint resolutions, Mr Smith of M. moved that the House do now adjourn till to-morrow 10 o'clock, which was carried.

*Thursday, December 20th 1838* — A message was received from the Senate by Mr Childress, their assistant secretary: Mr Speaker, the senate concur in the resolution of the house of Representatives, in appointing a joint committee of one member from each judicial circuit, to alter and amend the banking laws and have appointed on their part Messrs Toulmin Simmons Riddle, Terry Rice, Henderson, King, Wellborn and McClellan: they also concur in the resolution of the house of Representatives instructing the joint examining committee on the State Bank to inquire whether the State Bank and its Branches are uniform in their interest and exchanges, or not, and if not devise means by which hereafter they may be.

Mr Speaker laid before the house a report of the Tennessee canal commissioners which was read, and on motion of Mr Wynn, laid upon the table and one hundred copies ordered to be printed.

Mr Crenshaw presented the petition of sundry citizens of Butler county, praying the discontinuance and establishment of certain election precincts therein named, which was read and referred to the committee on privileges and elections.

Mr Creagh presented the petition of sundry citizens of Clarke county, which was read and referred to the committee on indian affairs.

Mr McAlpin of G. presented the petition of sundry citizens of Greene county, praying for an abolition of the retail of ardent spirits which was read and referred to the committee on propositions and grievances.

Mr Williams of J. presented the petition of sundry citizens of Jackson county, praying the passage of a law authorising David Caulfield to establish a ferry; which read and referred to the committee on roads, bridges and ferries.

Mr Henderson presented the petition of sundry citizens of Lawrence county, praying the abolition of the use of ardent spirits, which was read and referred to the committee on propositions and grievances.

Mr Andress presented the petition of sundry citizens of the county of Monroe, on the subject of county boundaries, which was read and referred to committee on county boundaries.

Mr Burke presented the petition of sundry citizens, praying a removal of the charter of the Dale Town, Woodville, and Greensborough Rail Road Company, which was read, and on motion of Mr Burke, referred to a select committee, composed of the delegation from the counties of Wilcox, Greene, Marengo and Perry.

Mr Morris presented the petition of M. E. Moore, which was read and referred to the committee on accounts.

Mr Taylor of F. from the committee on roads, bridges and ferries, to which was referred a bill to amend the laws in relation to public roads, so as to require persons to be apportioned nearest their places of residence, reported the same

back to the House, and recommended its passage. Mr McClanahan of ~~x~~ moved to lay the bill on the table, which was carried.

Mr Taylor of F. from the same committee to which was referred the petition of sundry citizens of Greene county, praying for the establishment of a ferry across the Warrior river, at the mouth of Big creek; reported that it is inexpedient to legislate on the subject, and asked leave to be discharged from the further consideration thereof. Mr Young moved that the report lie on the table, which was carried.

Mr Taylor of F. from the committee on roads bridges and ferries, to which was referred the petition of sundry citizens of DeKalb county, on the subject of a turnpike road, reported the same back to the House, and asked leave to be discharged from the further consideration of the same; in which report the House concurred.

Mr Andress, from the committee on propositions and grievances, to which was referred the petition of many citizens, reported a bill to authorize James Hunton to peddle in the county of Marshall, which was read the first time and ordered to a second reading.

Mr Andress, from the same committee to which was referred the petition of Henry Blancet, reported that it would be inexpedient to grant the prayer of said petitioner, in which report the House concurred.

Mr Mason, from the committee on enrolled bills, reported that said committee had examined and found correctly enrolled, an act to authorize the continuance of a company beat in the county of Wilcox, with a less number than forty privates.

Joint memorial of the Senate and House of Representatives to the Congress of the United States.

A message was received from the Senate by Mr Childress, their assistant Secretary. Mr Speaker: The Senate have passed bills of the following titles, viz: An act to compensate certain persons therein named; an act to authorize and establish a third battallion in the 73d regiment of Alabama militia; an act to authorize the Sheriff of Marion county to perform certain duties therein named; an act to allow additional compensation for taking the census of this State; and an act to give to the orders of the county court made on the distribution of estates of deceased persons, the effect of judgment.

The bills from the Senate: To compensate certain persons therein named; to authorize and establish a third battallion in the 73d regiment of Alabama militia; to authorize the Sheriff of Marion county to perform certain duties therein named; to give additional compensation for taking the census of this State; and to give to the orders of the county courts made on the distribution of estates of deceased persons the effect of judgments; were severally read the first time and ordered to a second reading.

The House took up the resolution offered on yesterday by Mr Hammond, the question on its adoption being undecided. Mr Hall moved to amend the resolution by striking out all after the word "assembly" and insert "Directors and every other person who may have recommended paper in the State Bank or any of its Branches, for the last three years, together with the names of all persons who are indebted, liable or responsible to the Bank or its Branches, in any manner whatever, together with the amount of indebtedness." Mr Bolling moved to lay the resolution and amendments on the table, which was lost. Mr Moore of Mar. moved the indefinite postponement of the whole subject. Yeas 1—Nays 59.

The yeas and nays being desired, those who voted in the affirmative, are Mr Moore of Mar.

Those who voted in the negative, are Messrs Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Carmack Clanton Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earl Ellis Esselman Findley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Henderson High Hilliard Hogg Hollis Jones of B. Jones of C. Kenedy Lindsey Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of M. McClannahan of M. McClannahan of S. McConnell McKnight McMillion Mead Mills Mitchell Morris Morrow Moore of Mad. Moore of W. Murphy Neily Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of M. Sommers Tarver Taylor of F. Taylor of M. Walker Warren Weissinger Williams of J. Wilson Withers Wright Wynn and Young.

So the motion was lost. Mr Baker moved to lay the amendment on the table, which was lost. Yeas 43—Nays 47.

The yeas and nays being desired those who voted in the affirmative are Messrs Speaker Abercrombie Andress Baldwin Baker Boston Carmack Douglass Ellis Finley Esselman Godbold Golding Grigsby Hammond Hampton Harris Henderson Holley Kennedy Lipscomb Mitchell Moore of Mad. Morrow Porter Priest Rogan Rutherford Searcy Shields Simmons Slater Sommers Tarver Taylor of F. Taylor of M. Walker Warren Weissinger Williams of J. Wilson Withers and Wright.

Those who voted in the negative are Messrs Bates Blassingame Bolling Booth Burke Clanton Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Earle Garner Hall Hancock Harrison Hilliard Hogg Hollis Jones of B. Jones of P. Lindsey McAlister McAlpin of G. McAlpin of M. McClannahan of M. McClannahan of S. McConnell McKnight McMillion Meade Mills Morris Moore of Mar. Moore of W. Murphy Neily Payne Porter Phillips Philpot Shortridge and Smith of M. Wynn and Young.

The House then proceeded to the orders of the day, and resumed the consideration of the preamble and resolutions heretofore offered by Mr Smith of M. the question being on the adoption.

And then the House adjourned until to-morrow 10 o'clock.

*Friday, Dec. 21, 1838.*—Accounts were presented by Messrs. Boston, Lipscomb, Holly and Porter, which were severally read and referred.

Mr Creagh presented the recommendation of 362 citizens of Clarke county, of the claims of Edward B. Jones, for Judge of the county court of Clarke county, which was read, and on motion of Mr Creagh, laid on the table; also, the recommendation of 320 citizens of Clarke county, of the claims Joseph P. Portis for Judge of the county court of Clarke county, which was read, and on motion of Mr Creagh, ordered to lie on the table.

Mr Clifton of D. presented the petition of the Stockholders of the Cahawba and Marion Rail Road Company, which was read and referred to a select committee, composed of the delegation from the counties of Dallas, Perry and Greene.

Mr McAlpin of G. presented the petition of sundry citizens, asking for an incorporation of the town of Clinton, in the county of Greene, which was read and referred to a select committee composed of the delegation from the county of Greene.

Mr Clanton presented the petition of sundry citizens of Pike and Macon counties, praying for the establishment of a new county, which was read and referred to a select committee, composed of the delegations from the county of Macon, Pike and Montgomery.

A message was received from the Senate by Mr Childress, their assistant Secretary. Mr Speaker: The Senate have adopted the following resolution: *Resolved*, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Saturday next, at 11 o'clock, for the purpose of electing a Judge of the county court of Benton county, a Judge of the county court of Franklin county, and a Solicitor for the judicial circuit, in which they ask the concurrence of your honorable body.

Mr Martin moved to amend the resolution of the Senate by striking out so much as relates to the election of a Judge of the county court of Benton, which



was lost. Mr Hall moved to amend by striking out so much as relates to the election of a Solicitor of the 6th Judicial Circuit; which was lost. Mr Creagh moved to amend by adding, also a Judge of the county court of Clarke county, which was carried; the resolution as amended was then concurred in. *Ordered*, That the clerk acquaint the Senate therewith, and ask their concurrence.

Mr Garner asked leave to withdraw the papers of J. R. and S. S. Henry, which was granted.

Mr Taylor of F. from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of De Kalb county, on the subject of a turnpike road, reported the same back to the House and asked leave to be discharged from the further consideration of the same; in which report the House concurred.

Mr Martin, from the committee on county boundaries, to which was referred a resolution instructing that committee to inquire into the expediency of so amending the constitution upon the subject, as to admit of their reduction in size to a less number than nine hundred square miles, reported that it is not expedient to propose such amendment, and asked to be discharged from the further consideration of the subject, in which the House concurred.

Mr Taylor of F. from the committee on roads, bridges and ferries, to which was referred a resolution inquiring into the expediency of so amending the road laws as to require overseers of the roads to divide their time now required to be performed on public roads (out of the time now required to be performed on public roads) for the last six months of every year, and also of so amending the laws as not to require apportioners to return overseers as defaulters, when they have faithfully performed their duty and worked out their ten days, reported a bill to repeal in part and amend the laws on the subject of public roads, so far as relates to the county of St. Clair, which was read the first time and ordered to a second reading.

Mr Andress, from the committee on propositions and grievances, to which was referred the account of S. S. Barnett, reported that said account is a more proper subject for the committee on indian affairs, and asked to be discharged from the further consideration thereof, in which the House concurred.

Mr Andress, from the same committee to which was referred the petition of Edmund Biddy, reported that it would be inexpedient to legislate further thereon, in which the house concurred.

Mr Morris, from the committee on indian affairs, to which was referred the account of Joseph Newson, reported the same as not properly chargeable against the State, in which the House concurred.

*Ordered*, That leave of absence be granted to Messrs Hogg and Shortridge, until Thursday next.

Mr Morris, from the committee on indian affairs, to which was referred the account and memorial of Samuel A. Easley, reported that it is inexpedient to allow the same, in which report the House concurred.

Mr Morris, from the same committee to which was referred the account of James Young, reported the same as not sufficiently authenticated, in which the House concurred.

Mr Morris, from the same committee to which was referred the account of W. Pollett, reported that it would be inexpedient to allow the same, in which the House concurred.

Mr Morris, from the same committee to which was referred the account of Aaron Packer, reported that it would be inexpedient to allow the same, in which

they ask the concurrence of the House. Mr Booth moved that the report lie on the table, which was carried.

A message was received from the Senate by Mr Childress, their assistant Secretary. Mr Speaker: The Senate have passed bills which originated in the House of Representatives, to wit: an act to provide for the support of paupers, in the county of Bibb; an act for the support of paupers in the county of St. Clair.

Mr Smith of D. from the select committee to which was referred the petitions in relation to the county seat of DeKalb county, reported a bill to locate the seat of Justice of De Kalb county, and for other purposes, which was read the first time and ordered to a second reading.

Mr Moore of W. from the select committee to which was referred the petition of the citizens of Wilcox county, praying the incorporation of Mount Moriah Academy, reported a bill to incorporate the Mount Moriah Male and Female Academy, which was read the first time and ordered to a second reading.

The House took up the resolution heretofore offered by Mr Hammond, and the amendment proposed by Mr Hall. Mr Earle moved to strike out all after and including the word "together," when it first occurs in the amendment proposed. Mr Wright moved the indefinite postponement of the whole subject, which was lost. Mr Hall then, with the consent of the House, withdrew his amendment. Mr McAlpin of G. moved to amend by an additional resolution, as follows: *Resolved*, That the committee appointed by the Governor to examine into the affairs of the Bank of the State of Alabama and its Branches, be required to furnish to this House a list of all those indebted to the said Bank, and the amount of their indebtedness or liabilities. Mr Abercrombie moved to lay the amendment on the table.

The House proceeded to the orders of the day, and took up the preamble and joint resolutions heretofore submitted by Mr Smith of M. the question being on their adoption.

And then the House adjourned till to-morrow 10 o'clock.

*Saturday, Dec 22, 1838.*—Accounts were presented by Messrs Harrison, Creagh and Holly, which were severally read and referred.

Mr Morris presented the petition of sundry citizens of Coosa county, praying for an alteration in county bounds, which was read and referred to the committee on county boundaries; also, the petition of sundry citizens of Coosa county, praying for legislative enactment on the subject of the county site of said county, which was read and referred to the committee on propositions and grievances.

Mr Lipscomb presented the petition of sundry citizens of Mobile, praying for the passage of a law to prohibit sales at auction, which was read and referred to the committee on the judiciary.

Mr Burke presented the petition of sundry citizens on the subject of retailing ardent spirits, which was read and referred to the committee on propositions and grievances.

Mr Morris of Mad. presented the petition of sundry citizens on the subject of 16th sections, which was read and referred to the committee on education.

Mr Morris, from the committee on indian affairs, to which was referred the accounts of Stewart & Cobb, Ransom Ship, John Sartin, Abraham Byars, Samuel Monereef and Thomas Warren, reported a bill for the payment of certain claims growing out of the late indian hostilities, which was read the first time and ordered to a second reading.

Mr Morris, from the same committee to which was referred the account of

the Greensborough Light Artillery Guards, reported that it would be inexpedient to allow the same.

Mr Young moved that the report lie on the table, which was carried; the account was then withdrawn.

Mr Mason from the committee on enrolled bills reported as correctly enrolled, an act to provide for the support of paupers in the county of Bibb; and an act to provide for the support of paupers in the county of St. Clair.

Mr Abercrombie from the committee on privileges and elections to which was referred the memorial of John H. Garrett of Cherokee county, claiming the seat now occupied by the Hon. George Clifton, reported that from all the evidence for their consideration there is nothing to negative the idea that the present incumbent Clifton has not been duly elected to the seat he now occupies, that therefore it is inexpedient to grant the prayer of the petitioner in which they ask the concurrence of the House, and the question being taken on a concurrence in the said report, it was carried.

Mr Young offered the following resolution: *Resolved*, that seven members of the judiciary committee shall constitute a quorum for the transaction of business; which lies over one day for consideration.

On motion of Mr Baldwin, *Resolved*, that a member be added to the select committee to which was referred the resolution proposing an inquiry into the expediency of dividing the capital stock of the Branch of the Bank of the State of Alabama at Montgomery, whereupon Mr Shortridge was added to said committee.

Mr Harrison offered a resolution regulating the sitting of the House. Mr Carmack offered the following as a substitute, which was accepted by Mr Harrison, *Resolved*, that this House shall convene at nine o'clock A. M. and hold afternoon sessions on each and every legislative day after Tuesday next. Mr Bolding moved to lay the resolution on the table which was lost. Yeas 17—Nays 73.

The yeas and nays being desired, those who voted in the affirmative are,

Messrs Abercrombie Baldwin Baker Bolling Crawford Hall Hilliard McAlpin of G. Meade Mitchell Moore of Mar. Payne Porter Searcy Tarver Weissinger and Young.

Those who voted in the negative are, Messrs Speaker Address Bates Blassingame Booth Boston Burke Carmack Clanton Clifton of C. Clifton of D. Cook of L. Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Grigsby Hammond Hampton Hancock Harris Harrison Henderson Hollis Holly Jones of B. Jones of C Jones of P Kennedy Lipscomb Martin Mason McAllister McAlpin of M. McClannahan of M. McClannahan of S. McConnell McKnight McMillion Mills Morris Morrow Moore of Mad. Moore of W. Murphy Neily Phillips Philpot Priest Rogan Rutherford Simmons Slater Smith of D. Smith of M Sommers Taylor of F. Taylor of M Walker Warren Williams of T Wilson Withers Wright and Wynn.

Mr Williams of T. moved to strike out "Tuesday next" for the purpose of inserting "first day of January next." Mr Carmack moved the previous question which was sustained—the main question being on the adoption of the resolution. Mr Hall moved to postpone the further consideration of the same till the 10th day of January next, which was lost; Yeas 29, Nays 61.

The yeas and nays being desired. Those who voted in the affirmative are Messrs Speaker Abercrombie Baldwin Baker Blassingame Bolling Burke Esselman Hall Hillard Jones of C. Jones of P. McAlpin of G. McClannahan of S. Meade Mitchell Moore of Mar. moore of W. Payne Phillips Porter Priest Rutherford Searcy Shields Smith of D. Tarver Weissinger Williams of T. and Young.

Those who voted in the negative are Messrs. Address Bates Booth Boston Carmack Clanton Clifton of C Clifton D. Cook of L Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Finley Garner Godbold Golding Grigsby Hammond Hampton Hancock Harris Harrison Henderson Hollis Holley Jones of B Kennedy Lipscomb Martin Mason McAllister McAlpin of M. McClannahan of M. McConnell McKnight McMillion Mills Morris Morrow moore of Mad. murphey Neily Philpot Rogan Simmons Slater Smith of M. Sommers Taylor of F. Taylor of M. Walker Warren Williams of J. Wilson Withers Wright and Wynn.

The question then recurred on the adoption of the resolution, and was carried. Yeas 68, Nays 22.

The yeas and nays being desired, those who voted in the affirmative are:

Messrs Speaker Andress Bates Boothe Boston Burke Carmack Clanton Clifton of C. Clifton of D. Cobb of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Finley Garner Godbold Gold. ing Grigsby Hammond Hampton Hancock Harris Harrison Henderson Hollis Holley Jones of B. Jones of P. Kennedy Martin Mason McAllister McAlpin of M. McClanahan of M. McClanahan of S. McConnell McKnight McMillion Mills Morris Morrow Moore of Mad. Moore of W. Murphy Neily Payne Phillips Philpot Rogan Simmons Slater Smith of D. Smith of M. Sommers Taylor of F. Taylor of M. Walker Warren Williams of J. Wilson Withers Wright and Wynn.

Those who voted in the negative are, Messrs Abercrombie Baldwin Baker Blassingame Bolling Esselman Hall Hilliard Jones of C. Lapscomb McAlphin of G. Mende Mitchell Moore of Mar. Porter Priest Rutherford Searey Tarver Weissinger Williams of T. and Young.

A message was received from the Senate by Mr Childress their assistant secretary. Mr. Speaker: The Senate have passed a bill to be entitled an act to incorporate the Franklin Academy in the town of Sugsville; they also concur in the amendment of the House of Representatives, to their resolution proposing to go into the election on this day at twelve o'clock of a Judge of the county court of Benton county; a Judge of the county court of Franklin county and a solicitor of the sixth judicial circuit. The bill from the Senate to incorporate the Franklin Academy in the town of Sugsville; was read a first time and ordered to a second reading.

*Ordered*, that leave of absence be granted to Mr Peters until Thursday next. Mr Carmack moved to suspend the consideration of the subject set apart for this hour; which was carried.

Mr Carmack then introduced a bill to repeal the laws now in force authorising the licening of retailers of ardent spirits in this State; which was read the first time and ordered to a second reading.

Mr McKnight offered the following resolution which was adopted; *Resolved* That with the concurrence of the Senate a committee be appointed on the part of this House to act jointly, with such committee as may be appointed on the part of the Senate to take into consideration the subject of permanently establishing the line between this State and the State of Georgia; whereupon, Messrs. McKnight, Smith of D. and Phillips were appointed said committee on the part of the House. *Ordered*, that the clerk acquaint the Senate therewith and ask their concurrence.

Mr Crenshaw introduced a bill authorising inspectors of cotton to be appointed in the city of Mobile; which was read the first time and ordered to a second reading.

Mr Grigsby introduced a bill to incorporate the Academy of the Ladies Education Society, in the town of Selma; which was read the first time and ordered to a second reading.

Mr Martin introduced a bill to report an act entitled an act to authorise the formation of limited partnerships; which was read the first time and ordered to a second reading.

Mr Clanton introduced a bill to change the time of holding the county courts in macon county; which was read the first time and ordered to a second reading.

Mr Abercrombie introduced a bill to incorporate the Gerard Manufacturing Company; which was read the first time and ordered to a second reading.

Mr Harrison introduced a bill to abolish brigade drills and for other purposes; which was read the first time and ordered to a second reading.

Mr McClanahan of S. introduced a bill to regulate judicial proceedings in certain cases; which was read the first time and ordered to a second reading.

On motion of Mr Martin, *Resolved*, that the clerk of this House be authorised to employ an assistant to aid in the discharge of the duties.

Mr McAlpin of Mobile presented the record and decree of the circuit court of

Mobile county, divorcing Henrietta Montague from Joseph H. Montague; which was read and referred to the committee on divorce and alimony.

Mr McAlpin of M. introduced a bill to suppress the passage of uncurrent and irredeemable money in this State; which was read the first time and ordered to a second reading.

Mr Weissinger introduced a bill to amend the patrol law; which was read the first time and ordered to a second reading.

On motion of Mr McMillian, *Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of adopting some measure by which individuals may be prevented from drawing money from the banks for the benefit of other persons, with leave to report by bill or otherwise.

Mr Payne introduced a bill to authorise the location and to provide for the construction of a public road from the town of Gainsville to the State line in a straight direction to DeKalb in Mississippi; which was read the first time and ordered to a second reading.

Mr Moore of mar. introduced a bill to authorise the sale of slaves in the town of Demopolis; which was read the first time and ordered to a second reading.

On motion of Mr Hall, *Resolved*, that a select committee be appointed consisting of one member from each judicial circuit to take into consideration the expediency of memorializing the Congress of the United States, upon the propriety of so altering and amending the judicial laws, as to prevent the institution of suits in the District Courts at Mobile, where the debts are contracted within the limits of this State; whereupon Messrs. Hall, Booth, Lipscomb, Porter, Mills, Vining, McConnell, Neily and Philips were appointed said committee.

On motion of Mr Henderson, *Resolved*, that the military committee be instructed to inquire into the expediency of relieving the privates of volunteer companies in this State, from attending brigade drills, as now required by law, with leave to report by bill or otherwise.

Mr Crenshaw introduced a bill for the relief of John Coleman; which was read the first time and ordered to a second reading.

On motion of Mr Garner, *Resolved*, that the committee on inland navigation be instructed to inquire into the expediency of appointing the remaining interest, which has accrued upon the canal fund for the completion of said canal; with leave to report by bill or otherwise.

Mr Godbold introduced a bill, to confer upon William Sizemore and others, all the rights and privileges of free white citizens of the State of Alabama; which was read the first time and ordered to a second reading.

Mr Slater introduced a bill regulating the appointment of overseers of the roads, which was read the first time and ordered to a second reading.

Mr Bates introduced a bill to incorporate a rail road company from the town of Greensborough to the town of Marion in Perry county; which was read the first time and ordered to a second reading.

The House took up the resolution heretofore offered by Mr Hammond, and the amendment offered by Mr McAlpin of G. Mr Bates moved to amend the amendment by way of substitute striking out all after the word "*Resolved*." Mr McAlpin moved to lay the amendment to the amendment on the table.

*Ordered*, that the Senate be now invited into the Hall of the House of Representatives for the purpose of going into the election of sundry officers as agreed upon by a vote of the two Houses. The Senators then repaired to the Hall of the House and took their seats. The two Houses then proceeded

to the election of a Judge of the county court for Benton county, E. T. Smith and Horatio Griffin being in nomination.

Those who voted for Mr Smith are: Messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Henderson Hudson Lee McClellan McVay Mays Ross Rice Rains Riddle Rogers Simmons Smith Word Watrous Welbourn and Wilson of the Senate. Messrs Speaker Abercrombie Andrews Baldwin Baker Bates Blassingame Bolling Burke Clanton Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Earle Ellis Esselman Finley Garner Grigsby Hall Hampton Harris Henderson Hilliard Holly Jones of B. Jones of C. Jones of P. Kennedy Lindsay Lipscomb Mason McAlpin of G. McClanahan of M. McClanahan of S. McConnell McMillion Meade Mills Mitchell Morris Moore of Mar. Moore of W. Murphy Neely Phillips Philpot Priest Rutherford Simmons Sommers, Tarver Walker Weissinger Williams of T. Withers Wright Wynn and Young.

Those who voted for Mr Griffin, are Messrs Terry and Toulmin of the Senate. Messrs Booth Boston Carmack Douglass Godbold Golding Hammond Hancock Harrison High Hollis Martin McAlpin of M. McKnight Morrow Moore of M. Rogan Searcy Shields Slater Smith of D. Smith of M. Taylor of F. Taylor of M. Vining Warren Williams of J. and Wilson.

Mr Smith having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Judge of the county court of Benton county.

The two Houses then proceeded to the election of a Judge of the county court of Franklin county; John A. Nooe alone being in nomination.

Those who voted for Mr. Nooe, are Messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Henderson Hudson King Lea McClellan McVay Mays Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Welborn and Wilson of the Senate. Messrs Speaker Abercrombie Andrews Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Carmack Clanton Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golden Grigsby Hall Hammond Hampton Henderson Harris Harrison Hancock High Hilliard Hollis Holly Jones of B. Jones of C. Jones of P. Kennedy Lindsay Lipscomb Martin Mason McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McConnell McKnight McMillion Meade Mills Mitchell Morris Morrow Moore of Mad. Moore of Mar. Moore of W. Murphey Neely Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Simmons Slater Smith of D. Smith of M. Somers Tarver Taylor of F. Taylor of M. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Withers Wright and Young, of the House of Representatives.

Mr Nooe having received the whole number of votes given, Mr Speaker declared him duly elected Judge of the county court of Franklin county.

The two Houses next proceeded to the election of a Solicitor of the 6th judicial circuit; W. S. Coleman, J. M. C. Wyly, George L. Barry, F. S. Jackson, and Jefferson Buford, being in nomination.

Those who voted for Mr Coleman are Messrs Farrar Lee Ross Smith and Watrous of the Senate. And Messrs Bates Burke Cook of L. Creagh Crenshaw Hammond Hampton Kennedy Lipscomb McAlpin of G. McClanahan of S. Meade Mitchell Moore of W. Priest Rogan Vining and Young of the House of Representatives.

Those who voted for Mr Wyly, are Messrs Cottrell and Henderson of the Senate, and Messrs Clifton of D. Crawford Earle Grigsby Jones of B. Jones of P. Mason McMillion Moore of Mar. Neely Phillips Tarver Walker and Wright of the House of Representatives.

Those who voted for Mr Barry, are Messrs Baylor Dent Frazier King Rice Rains Terry Toulmin Welbourn and Wilson of the Senate, and Messrs Boston Clifton of C. Godbold High Hollis Martin Morrow Payne Philpot Searcy Shields Smith of M. Taylor F Taylor of M. and Wynn of the House of Representatives.

Those who voted for Mr Jackson, are Messrs Fleming Hudson McClellan McVay Rogers and Simmons of the Senate, and Messrs Booth Carmack Douglass Esselman Finley Garner Golding Hall Hancock Harris Harrison Henderson Holley Jones of C. Lindsay McAllister McAlpin of M. McClanahan of M. McConnell McKnight Mills Morris Murphy Rutherford Slater Smith of D. Sommers Williams of J. Wilson and Withers of the House of Representatives.

Those who voted for Mr Buford are Messrs President Devereux Mays Riddle and Ward of the Senate and Messrs Speaker Abercrombie Andrews Baldwin Baker Blassingame Bolling Clanton Crayton Ellis Hilliard Moore of Mad. Porter Simmons Warren Weissinger and Williams of T. of the House of Representatives.

Neither of the candidates having received a majority of the whole number of votes given, the two Houses proceeded to a second call.

Those who voted for Mr Coleman are Messrs Farrar King Lee Ross Smith and Watrous of the Senate, and Messrs Bates Burke Clifton of D. Cook of L. Creagh Crenshaw Hammond Hampton Kennedy Lipscomb McAlpin of G. McClanahan of S. Meade Mitchell Moore of W. Phillips Rogan Vining and Young of the House of Representatives.

Those who voted for Mr Wyly are Messrs. Cottrell Hudson of the Senate, and Messrs Andrews Crawford Grigsby Jones of B. Jones of P. Mason McMillion Moore of Mar. and Wright of the House of Representatives.

Those who voted for Mr Barry, are Messrs Baylor Dent Frazier Rice Rains Terry Toulmin Wilbora

and Wilson of the Senate and, messrs Boston Clifton of C. Godbold High Hollis Martin Morrow Payne Philpot Searcy Shields Smith of M. Taylor of F. Taylor of M and Wynn of the House of Representatives.

Those who voted for mr Jackson, are messrs Fleming Hudson McClellan McVay Rodgers and Simmons of the Senate—and messrs Booth Carmack Douglass Esselman High Garner Golding Hall Hancock Harris Harrison Henderson Holley Lindsay McAllister McAlpin of m. McClannahan of m. McConnell McKnight Mills Morris Murphy Priest Rutherford Slater Smith D Sommers Walker Williams of J. Wilson and Withers of the House of Representatives.

Those who voted for Mr Buford, are messrs President Devereux Mays Riddle and Ward of the Senate, and Messrs Speaker Abercrombie Baldwin Baker Blassingame Bolling Clanton Crayton Earle Ellis Hilliard Moore of mad. Neily Porter Simmons Tarver Warren Weissinger Williams of T of the House of Representatives.

Neither of the candidates having received a majority of the whole number of votes given, the two Houses proceeded to vote a third time, the name of Mr Wyly, having been withdrawn.

Those who voted for Mr Coleman, are Messrs. Farrar Henderson King Lea Ross Smith and Watrous of the Senate, and Messrs. Bates Burke Clifton of D. Cook of L. Creagh Crenshaw Esselman Hammond Hampton Henderson Jones of B. Kennedy Lipscomb McAlpin of G. McClannahan of S. Mitchell Moore of W. Phillips Rogan Vining Wright and Young of the House of Representatives.

Those who voted for Mr Barry are Messrs Baylor Dent Frazier Rice Rains Terry Toulmin Wellborn and Wilson of the Senate, and Messrs. Boston Clifton of C. Godbold High Martin Morrow Payne Philpot Searcy Shields Smith of M. Taylor of F. Taylor of M. Wynn of the House of Representatives.

Those who voted for Mr Jackson, are Messrs. Cottrell Fleming Hudson McClellan McVay Rogers and Simmons of the Senate, and Messrs. Booth Carmack Douglass Findley Garner Golding Hall Hancock Harris Harrison Holley Lindsey Mason McAlpin of M. McClannahan of M. McConnell McKnight McMillion Mills Morris Moore of Mad. Moore of Mar. Murphy Priest Rutherford Slater Smith of D. Sommers Walker Williams of J. Wilson and Withers of the House of Representatives.

Those who voted for Buford are Messrs. President Devereaux Mays Riddle and Ward of the Senate, and Messrs Speaker Abercrombie Andress Baldwin Baker Blassengame Bolling Clanton Crawford Crayton Earle Ellis Grigsby Hilliard Jones of P. Neily Porter Simmons Tarver Warren Weissinger and Williams of T. of the House of Representatives.

Neither of the candidates having received a majority of the whole number of votes given, the two Houses proceeded to vote a fourth time.

Those who voted for Mr Coleman, are Messrs Farrar Henderson King Lee Ross Smith and Watrous of the Senate, and Messrs. Bates Burke Clifton of D. Creagh Crenshaw Hammond Hampton Jones of B. Kennedy Lipscomb McAlpin of G. McClannahan of S Meade Mitchell Moore of W Rogan Vining Wright and Young of the House of Representatives.

Those who voted for Mr Barry are Messrs Baylor Dent Frazier Rice Rains Terry Toulmin Wellborn and Wilson of the Senate, and Messrs Boston Clifton of C Godbold Hollis martin Morrow Payne Philpot Searcy Shields Smith of m. Taylor of F Taylor of m and Wynn of the House of Representative.

Those who voted for Mr Jackson, are messrs Cottrell Fleming Hudson McClellan McVay Rogers and Simmons of the Senate, and messrs Booth Carmack Cook of L Douglass Earle Esselman Finley Garner Golding Hall Hancock Harris Harrison Henderson High Holly Lindsey Mason McAlister McAlpin of M McClannahan of m. McConnell McKnight McMillion Mills Morris Moore of Mad. Moore of Mar. Murphy Priest Rutherford Slater Smith of D Sommers Williams of J. Wilson and Withers of the House of Representatives.

Those who voted for Mr Buford, are messrs President Devereaux mays Riddle and Ward of the Senate, and messrs Speaker Abercrombie Andress Baldwin Baker Blassingame Bolling Clanton Crawford Crayton Ellis Grigsby Hilliard Jones of P. Neily Phillips Porter Sommers Tarver Walker Warren Weissinger and Williams of T of the House of Representatives.

Neither of the candidates having received a majority of the whole number of votes given, the two Houses proceeded to vote the fifth time.

Those who voted for Mr Coleman, are Messrs Farrar Henderson King Lea Ross Smith and Watrous of the Senate, and Messrs Burke Creagh Crenshaw Earle Hammond Jones of B. Kennedy Lipscomb McClannahan of S. Meade Moore of W. Vining Wright and Young of the House of Representatives.

Those who voted for Mr Barry, are Messrs Baylor Frazier Rice Terry Wellborn and and Wilson of the Senate, and messrs. Boston Godbold Philpot and Taylor of F. of the House of Representatives.

Those who voted for mr Jackson, are messrs. Cottrell Fleming Hudson McClellan McVay Rogers and Simmons of the Senate, and messrs Carmack Clifton of C. Cook of L. Douglass Esselman Finley Garner Golding Hall Hampton Hancock Harris Harrison Henderson High Hollis Holly Lindsey martin Mason McAllister McAlpin of M. McClannahan of M. McConnell McKnight McMillion mills morris morrow moore of mad. moore of mar. murphy Payne Rogan Rutherford Searcy Shields Slater Smith of D. Smith of m. Sommers Taylor of m. Williams of J. Wilson Withers and Wynn of the House of Representatives.

Those who voted for mr Buford, are messrs. President Dent Devereaux mays Riddle and Ward of



the Senate, and messrs. Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Clanton Clifton of D. Crawford Crayton Ellis Grigsby Hilliard Jones of P. McAlpin of G. Mitchell Neily Phillips Porter Priest Simmons Tarver Walker Warren Weissinger and Williams of T. of the House of Representatives.

Neither of the candidates having received a majority of the whole number of votes given, the two Houses proceeded to vote the sixth time—the names of Messrs Barry and Coleman having been withdrawn.

Those who voted for Mr. Jackson, are messrs Baylor Cottrell Farrar Fleming Frazier Henderson Hudson McClellan McVay Rogers Simmons Terry Toulmin and Wilson of the Senate, and messrs Booth Boston Carmack Clifton of C. Cook of L. Douglass Esselman Finley Garner Godbold Golding Hall Hammond Hancock Harris Harrison Henderson High Hollis Holly Lindsey Lipscomb Martin Mason McAllister McAlpin of M. McClannahan of M. McConnell McKnight McMillion Meade Mills Morris Morrow Moore of Mad. Moore of Mar. Murphy Payne Philpot Rogan Rutherford Searcy Shields Slater Smith of D. Smith of M. Sommers Taylor of F. Taylor M. Vining Walker Williams of J. Wilson Withers Wright and Wynn of the House of Representatives.

Those who voted for Mr. Buford, are messrs President Dent Deveau King Lee Mays Ross Rice Riddle Smith Ward and Watrous of the Senate, and messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Burke Clanton Clifton of D. Crawford Crayton Creagh Crenshaw Earle Ellis Grigsby Hampton Hilliard Jones of B. Jones of P. Kennedy McAlpin of G. McClannahan of S. Mitchell Moore of W. Neily Phillips Porter Priest Simmons Tarver Walker Weissinger Williams of T. and Young of the House of Representatives.

The two Houses next proceeded to the election of a Judge of the county court of Clarke county, Joseph P. Portis, alone being in nomination.

Those who voted for Mr. Portis, are messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Henderson Hudson King Lea McClellan McVay Mays Ross Rice Rogan Riddle Rains Simmons Smith Terry Toulmin Watrous Wellborn and Wilson of the Senate, and messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Carmack Clanton Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Findley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison High Hilliard Holley Jones of B. Jones of C. Jones of P. Kennedy Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of M. McClannahan of M. McClannahan of S. McConnell McKnight McMillion Meade Mills Mitchell Morris Morrow Moore of Mad. Moore Mar. Moore of W. Murphy Neily Payne Philpot Phillips Porter Priest Rogan Rutherford Searcy Shields Simmons Slater Smith of D. Smith of M. Sommers Tarver Taylor of F. Taylor of M. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson, Withers Wright Wynn and Young of the House of Representatives.

Mr. Portis having received the whole number of votes given, Mr. Speaker declared him duly elected Judge of the county court of Clarke county: the Senate then withdrew.

Ordered that leave of absence be given to Mr. Blassingame, until Thursday next, at 12 o'clock: to Mr. Shields, until Thursday next, at 12 o'clock: to Mr. McClannahan, of S. until Friday 28th inst: to Mr. Hall until Thursday next: to Mr. Sommers, until Thursday morning next: to Mr. Morrow, until Wednesday next: to Mr. Neily, until Thursday next.

Mr. Lipscomb moved to postpone the further consideration of the preamble and joint resolutions heretofore offered by Mr. Smith of M. until Thursday next, and that they be made the special order of the day for that day which was lost.

Mr. Shields moved that the House adjourn till Tuesday next, at 10 o'clock, which was lost yeas 10, nays 74.

The yeas and nays being desired. Those who voted in the affirmative are messrs Speaker Baldwin Bates Ellis Hilliard Martin Moore of Mar. Neily Shields and Weissinger.

Those who voted in the negative, are Messrs Abercrombie Address Baker Blassingame Bolling Boston Burke Carmack Clanton Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Finley Garner Godbold Golding Grigsby Hammond Hampton Hancock Harris Harrison Henderson High Hollis Holly Jones of B. Jones of C. Jones of P. Kennedy Lipscomb Mason McAllister McAlpin of G. McAlpin of M. McClannahan of M. McKnight McMillion Mills Mitchell Morris Moore of Mad. Moore of W. Murphy Payne Philpot Porter Priest Rogan Rutherford Searcy Simmons Slater Smith of D. Smith of M. Vining Walker Warren Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.

And then the House adjourned till Monday 10 o'clock.

*Monday, December 24, 1838.*—Mr. Martin presented the petition of sundry citizens of Benton county, praying for the discontinuance of an election precinct



therein named, which was read and referred to the committee on privileges and elections.

Mr Crenshaw presented the petition of sundry citizens of Butler county, praying a removal of the seat of justice of said county; which was read, and on motion of Mr Crenshaw, referred to a select committee, consisting of the delegation from Butler county.

Accounts were presented by messrs Esselman and Cook of L. which were severally read and referred.

Mr. Young presented the petition of sundry citizens of Greene county, praying for an increase of the fees of constables, which was read and referred to the committee on the judiciary.

Mr Earle presented the petition of John Harris and Rolin L. Locke, which was read and referred to the committee on the State Bank.

Mr Hampton presented the petition of sundry citizens praying that patents may be issued for donation land, and the fees therefor paid out of the canal or some other fund, which was read; Mr Hampton moved to refer the petition to a select committee, composed of one member from each of the counties of Madison, Limestone, Lauderdale, Franklin Lawrence and Morgan, which was carried; whereupon Messrs Hampton, Vining, Mills, Garner, Baker and Philpot were appointed said committee.

Mr Cook of L. presented the petition of sundry citizens, praying for an abolition of the retail of spirituous liquors, which was read and referred to the committee on propositions and grievances.

Mr Vining presented the petition of George Steele, which was read and referred to a select committee, composed of the delegation from Madison county.

Mr Moore of Mad. presented the petition of James Young, which was read and referred with the accompanying documents to the committee on roads bridges and ferries.

Mr Smith of M. presented the petition of a number of the students of the Transylvania Medical College, praying for a charter for a medical institution to be located at the city of Tuscaloosa, which was read. Mr Grigsby moved its reference to a select committee, which was carried; whereupon Messrs Grigsby, Moore of Mad. Moore of Mar. Earle, Esselman, Hogg, Mason, Searcy and Walker, were appointed said committee.

Mr Moore of Mar. presented the petition of Wm. Browning and Wm. J. Alston, which was read and referred to the committee on roads, bridges and ferries.

Mr Hilliard presented the petition of sundry citizens of Montgomery county, praying for the establishment of a new county; which was read and referred to the select committee heretofore raised on that subject, composed of the delegation from Macon, Montgomery and Pike counties.

Mr Abercrombie presented the petition of sundry citizens of Russel county, praying for an appropriation for the purposes therein named, which was read and referred to a select committee, consisting of Messrs Abercrombie, Booth and Crayton; also, the petition of sundry citizens of Russel county, praying a legislative enactment as therein shewn; which was read and referred to the committee on the judiciary.

Mr Porter presented the petition of Moses McGuire, which was read and referred to the committee on the judiciary.

Mr Williams of T. presented the petition of sundry citizens of Tuscaloosa county, praying for the passage of a law to authorize the building of a bridge

across Sipsey river, which was read and referred to the committee on roads, bridges and ferries.

Mr Smith of D. from the select committee to which was referred the petition of the commissioners of roads and revenue for the county of DeKalb, reported a bill for the support of paupers, for the county of DeKalb, which was read the first time and ordered to a second reading.

Mr Clifton of C. from the select committee to which was referred the petition of the commissioners of the town of Jefferson, in the county of Cherokee, reported a bill to legalize the proceeding of the commissioners appointed by an act entitled an act to locate the seat of justice of Cherokee county, and for other purposes, passed at the called session of the general assembly of the State of Alabama, in the year 1837, and approved June 24, 1837, which was read the first time and ordered to a second reading.

Mr Crenshaw, from the select committee to which was referred the petition of sundry citizens of Wilcox and Monroe counties, praying to be attached to Butler, reported that it is inexpedient to grant the prayer of the petitioners, because the county of Wilcox is now under the constitutional size, in which the House concurred.

Mr Martin, from the select committee to which was referred the account of Matthew Butt, reported a bill for the payment of a claim therein named, which was read the first time and ordered to a second reading.

The House took up for consideration the resolution offered heretofore by Mr Young, "that seven members of the judiciary committee should constitute a quorum for the transaction of business" the resolution was adopted.

*Ordered*, That leave of absence be granted to Messrs Bates, McAlpin of G. Weissinger and Ellis, till Thursday next. To Mr Taylor of F. till Wednesday next. To Messrs Hollis and Tarver till Thursday next.

Mr McAlpin of M. moved to take from the table a bill, more fully to develop the resources of Alabama, Mississippi and Tennessee, which was carried.

Mr McAlpin of M. moved that the further consideration of the bill be postponed till Wednesday, the 2d day of January next, that the same be made the special order of the day for that time. Mr Moore of Mad. called for a division of the question; which was first taken on postponing and carried. The question on making the bill the special order, was withdrawn.

Mr Hilliard moved to take from the table a bill to establish separate courts of chancery in this State, which was carried. Mr Hilliard moved to refer the bill to the committee on the judiciary, which was carried.

Mr Andress moved to take from the table the petition of Matthew Gayle, and the report of the committee of propositions and grievances thereon, which was carried. The petition was then withdrawn.

Mr Payne introduced a bill to regulate the indebtedness of members of the general assembly to the State Bank and Branches, which was read the first time and ordered to a second reading.

Mr McClanahan of M. moved to take from the table a bill to change the time of holding the county courts of Morgan county, which was carried. The bill was then read the second time, and the constitutional rule requiring bills to be read on three several days, being dispensed with, the bill was taken as engrossed, read a third time and passed. *Ordered*, That the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Morris introduced a bill to regulate Sheriff sales of real estate in East, West and North Wetumpka, which was read the first time and ordered to a second reading.

Mr Grigsby introduced a bill to change the time of convening the general assembly, which was read the first time and ordered to a second reading.

Mr Clifton of C. introduced a bill to increase the responsibilities of certain persons therein named, which was read the first time and ordered to a second reading.

Mr Phillips introduced a bill to establish separate courts of chancery, which was read the first time and ordered to a second reading.

Mr Martin introduced a bill for the relief of settlers on public lands lying in the State of Alabama, which was read the first time and ordered a second reading.

Mr Hammond offered the following preamble and resolutions: Whereas it appears from the reading of the journal, that a good number of the members of the House of Representatives have obtained leave of absence till Wednesday and Thursday next, which leave has reduced our House to a bare quorum to do business, and whereas in a multitude of council there is safety: *Therefore be it resolved*, That the House now adjourn till 9 o'clock on Wednesday next. Mr Wilson moved to lay the preamble and resolution on the table, which was carried.

Mr McKnight introduced a bill to regulate the licensing of attorneys and counsellors at law, which was read the first time and ordered to a second reading.

Mr Porter introduced a bill for the protection of mechanics, which was read the first time and ordered to a second reading.

On motion of Mr Porter: *Resolved*, That the committee on the judiciary be instructed to inquire into the propriety of adopting some plan whereby the general statute laws of this State may be arranged and printed together, so that the same may be divested of repealed and absolute provisions, and unnecessary verbiage, and distributed to the community.

The resolution heretofore submitted by Mr Hammond, and the amendments proposed by Messrs Bates and McAlpin of G. was taken up. Mr Young moved to lay the resolution and amendments on the table, which was carried.

On motion of Mr Holly: *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of discontinuing an election precinct heretofore established at the House of Warren Williams, and to establish one in lieu thereof, at the house of George Speaks, otherwise known and called Floyd's Old Store, in Tallapoosa county; and to establish one at the house of John Bucees; and also, to establish one at the house of Naman Shopshear, in said county.

Mr Lipscomb moved that this house do now adjourn till Wednesday morning 9 o'clock, which was carried.

*Wednesday, Dec. 28.*—Mr Carmack moved a call of the House which was sustained; when the following members appeared to be absent to wit:

Messrs Abernethie Andress Baldwin Baker Bates Blassengame Bolling Booth Burke Clanton Clifton of C. Clifton of D. Cook of L. Crawford Crough Crenshaw Ellis Esselman Finley Garner Gosholt Grigsby Hall Hampton Hancock High Hilliard Hollis Holly Jones of B. Jones of C. Jones of P. Kennedy Lindsey Lipscomb Martin McAlister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McConnell Meade Mills Mitchell Morrow Moore of Mad. Moore of Mar. Moore of W. Murphey Neily Payne Peters Philips Philpot Porter Priest Rutherford Searcy Shields Shortridge Simmons Smith of M. Torver Taylor of E. Taylor of M. Vining Walker Warren Weissinger Williams of J. Williams of T. Withers Wright and Young.

Mr Finley presented the petition of sundry citizens of Bellefonte, praying for relief as therein shewn; which was read and referred to a select committee consisting of the delegation from Jackson county.

Mr Esselman presented the record and decree of the circuit court of Lowndes

county divorcing John White from his wife Eliza White; which was read and referred to the committee on divorce and alimony.

Mr Lipscomb presented the petition of sundry citizens praying the passage of a law regulating the branch pilots of Mobile; which was read and referred to a select committee consisting of the delegation from Mobile and Baldwin counties.

Mr Philpot presented the petition of sundry citizens of Morgan county; which was read and referred to the committee on roads, bridges and ferries.

Mr Morris from the committee on indian affairs to which was referred the muster roll of Capt. Pate's company of mounted men mustered into the service of the State by order of the Governor; also the accounts for forage subsistive, wagon service, and ammunition growing out of said service, reported a bill for the payment of Capt. Pate's company of mounted men and for other purposes; which was read the first time and ordered to a second reading. Mr Morris from the same committee to which was referred the accounts of William Harper for travelling expense incurred, &c., in furnishing Captain Pate's company of mounted men with forage and subsistive, reported that it is inexpedient to allow the same. Mr Warren moved that the report lie on the table, which was carried.

Mr Smith of D. from the select committee to which was referred the petition of sundry citizens of DeKalb, Cherokee, and Marshall counties, relative to the sixteenth sections in said counties, reported a bill in relation to sixteenth sections; which was read the first time and ordered to a second reading.

On motion of Mr Simmons, *Resolved*, that with the concurrence of the Senate the two Houses will assemble in the Representative Hall this day at twelve o'clock for the purpose of electing a Judge of the county court of Pike county, *Ordered*, that the clerk acquaint the Senate therewith and ask their concurrence.

Mr Baker introduced a bill to equalize the funds in township three, range nine west, in the Huntsville Land District; which was read the first time and ordered to a second reading.

Mr Smith of D. introduced a bill to incorporate Franklin Academy in the county of DeKalb; which was read the first time and ordered to a second reading.

*Ordered*, that leave of absence be granted to Messrs Moore of Mar. and Wright till monday next. Also, to Mr Holly until Friday fourth day of January next.

Mr Earle introduced a bill to abolish attorneys fees in certain cases; which was read the first time and ordered to a second reading.

Mr Clanton introduced a bill to incorporate the Aberfoil Male and Female Academy; which was read the first time and ordered to a second reading.

Mr Grigsby moved to take from the table the reports of the commissioners appointed to examine into the expediency of establishing a public ware house in the city of Mobile which was carried. The reports were then referred to a select committee consisting of Messrs Grigsby, Clifton of D. and Godbold.

A message was received from his Excellency the Governor by Mr Gooch, his private Secretary. Mr Speaker: His Excellency the Governor on monday the 20th inst. approved and signed bills of the following titles, to wit:

An act to authorise the continuance of a company beat in the county of Wilcox with a less number than forty privates; an act to change the time of holding the county courts of Autauga county; an act to incorporate the town of Jack-

sonville in the county of Benton; an act to change the time of holding the winter terms of the county courts of Tuscaloosa county; an act permanently to locate the seat of justice in the county of Pike and for other purposes; an act for the relief of certain persons therein named; an act to incorporate a fire engine company therein named, all of which originated in the House of Representatives.

On motion of Mr Smith of M., *Resolved*, that the commissioners appointed by the Governor in pursuance of the act of Legislature of 1837, to examine the state of the Bank of the State of Alabama and its several branches, be directed forthwith to place before this House the names of all the debtors to each bank whether by bill, note or otherwise, together with the indorsers and acceptors, the amount due by each member of the present Legislature, the amount due by each of the ex-Directors and the names as far as they were able to ascertain of those persons who recommended the drawers and endorsers of bills or notes. *Also Resolved*, that the papers containing the names, senses, &c., when placed in possession of this House be committed to the care of the clerk, who shall keep them in his office for the free inspection of the members of the Legislature.

Mr Burke introduced a bill for the support of the paupers in the county of Wilcox; which was read the first time and ordered to a second reading.

Mr Crenshaw offered the following resolution: *Resolved*, that hereafter this House shall meet at half past nine o'clock instead of the time now required, which lies over one day for consideration.

On motion of Mr Porter, *Resolved*, that a select committee be raised by this House for the purpose of directing of the providing of a suitable seal for the State of Alabama; whereupon messrs. Porter, Young and Clifton of D. were appointed.

The House took up the preamble and joint resolutions heretofore offered by Mr Smith of M. being a special order. Mr Lipscomb moved that the further consideration of the same be postponed till to-morrow at twelve o'clock, which was carried.

The next special order, the resolution heretofore offered by Mr Porter on the subject of common schools, was taken up: Mr Carmack moved to lay the resolutions on the table, which was lost, yeas 5, nays 63.

The yeas and nays being desired those who voted in the affirmative are messrs. Boston Douglass Carmack Hammond and McClanahan of M.

Those who voted in the negative are Messrs Speaker Andress Baldwin Baker Bates Bolling Burke Clanton of D. Cook of L. Crawford Crayton Creagh Crenshaw Earle Garner Godbold Golding Grigsby Hampton Hancock Harris Harrison Henderson Hilliard Jones of B. Jones of C. Lindsay Lipscomb Martin Mason McAllister McAlpin of M. McConnell McKnight McMillian Mills Mitchell Morris Moore of Mad. Moore of W. Murphy Payne Phillips Philpot Porter Priest Rogan Rutherford Searcy Simmons Stater Smith of D. Smith of M. Taylor of M. Vining Walker Warren Williams of J. Williams of T. Wilson Withers and Young.

Mr Martin moved to refer the resolutions to the committee on education which was carried.

The next special order to wit: The bill requiring justices of the peace to give bond and security before they enter upon the duties of their office was taken up; the question being on the adoption of the amendment offered by Mr Boston. Mr Garner moved to lay the bill and amendment on the table which was lost, yeas 33, nays 42.

The yeas and nays being desired those who voted in the affirmative are, messrs. Speaker Bolling Boston Burke Carmack Cook of L. Crawford Crayton Douglass Earle Fidelity Garner Hammond Hancock Harris Henderson Jones of C. Lindsay Mason McAllister McClanahan of M. McKnight McMillian Moore of Mad. Moore of W. Payne Philpot Priest Smith of M. Taylor of M. Vining Williams of J. and Wynn.

Those who voted in the negative are, messrs. Abercrombie Andress Baldwin Baker Bates Blanton

game Booth Clanton Clifton of C. Clifton of D. Creagh Crenshaw Esselman Godbold Golding Grigsby Hampton Hilliard Jones of B. Kennedy Lipscomb Martin McAlpin of M. McConnell Mills Mitchell Morris Murphy Phillips Porter Rutherford Searcy Simmons Slater Smith of D. Walker Warren Weissinger Williams of T. Wilson Withers and Young.

Mr Martin moved to lay the amendment on the table which was carried. Mr Vining moved to amend the bill by way of proviso to come in at the end of the last section. The bill and amendment was then referred to a select committee consisting of Messrs. Martin Williams of T. and Crenshaw.

A message was received from the Senate by Mr Childress their assistant Secretary. Mr Speaker: The Senate concur in the resolution of the House of Representatives, to go into an election this day at twelve o'clock for a Judge of the county court of Pike county.

They have also passed a bill which originated in the House of Representatives of the following title: An act to change the time of holding the county courts of the county of Morgan.

A message was received from the Senate by Mr Childress, their assistant secretary. Mr Speaker, the Senate concur in the resolution of the House of Representatives, appointing a joint committee to take into consideration the subject of permanently establishing the line between this State and the State of Georgia, and have appointed on their part, messrs. McClellan, Frazier and Wellborn.

Mr Abercrombie from the select committee, to which was referred the petition of sundry citizens, in relation to the permanent location of the seat of justice in the county of Russell; reported a bill to establish the permanent seat of justice for the county of Russell, which was read the first time; and the constitutional rule, requiring bills to be read on three several days, being dispensed with, the bill was read the second time; and the constitutional rule requiring bills to be read on three several days, having been further dispensed with, the bill was considered as engrossed; read the third time and passed. *Ordered*, that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

Mr Payne introduced a bill authorising John C. Whitsett to erect a toll bridge across Noxubee river, which was read the first time and ordered to a second reading.

Mr Grigsby introduced a bill to regulate the pay of members of the board of trustees of the University of Alabama, which was read and ordered to a second reading.

Mr Mitchell introduced a bill to incorporate the Grants Creek Academy in the county of Tuscaloosa, which was read the first time and ordered a second reading.

Mr Bates moved to take from the table, the resolution heretofore offered by Mr Hammond, and the amendments proposed thereto by Messrs McAlpin of G. and Bates, which was carried. Mr Morris moved to postpone the further consideration of the subject till the fourth day of January next. Mr Harrison moved to postpone till the 21st day of January next. Mr Abercrombie moved to postpone till the first day of February next, and the question being taken thereon it was carried; yeas 47, nays 27

The yeas and nays being desired. Those who voted in the affirmative, are Messrs Abercrombie Baldwin Bolling Booth Boston Burke Carmack Cook of L. Creagh Douglass Godbold Golding Hampton Harris Harrison Henderson Hilliard Jones of B. Jones of C. Lindsey Lipscomb Martin McAlistar McAlpin of M. McClamahan of M. McKnight Mills Moore of Mad. Moore of W. Payne Phillips Philpot Priest Rogan Rutherford Searcy Simmons Smith of D. Smith M. Taylor of M. Vining Walker Warren Williams of J. Withers and Wynn. Those who voted in the negative, are Messrs Speaker Address Bates Blasingame Clanton Clifton of C. Clifton of D. Crawford Crayton Earle Esselman Findley Grigsby Hammond Hancock Kennedy Mason McConnell McAlpin Mitchell Morris Murphy Porter Slater Weissinger Williams of T. and Young.

Mr Burke presented the petition of sundry citizens praying for a revival of

the charter of the Daletown, Woodville and Greensborough rail road company, which was read and referred to a select committee, heretofore raised on that subject.

Mr Harrison introduced a bill to change the mode of electing bank directors and for other purposes, which was read the first time. Mr Lipscomb moved to dispense with the constitutional rule, requiring bills to be read on three several days, and to give the bill a second reading forthwith, which was carried. The bill was then read the second time and referred to the select joint committee heretofore raised in relation to the Banks, with instructions to report thereon as early as practicable. *Ordered*, that the Senate be now invited into the hall of the house for the purpose of going into the election of a judge of the county court of Pike county. The Senate then repaired to the hall of the house and took their seats. The two houses then proceeded to the election of a judge of the county court of Pike county, Joseph W. Townsend and John Boswell being in nomination.

Those who voted for Mr Townsend, are messrs President Baylor Devereaux Farrer Fleming Frazier Henderson Hill Hudson McClellan Mays Rice Rogers Smith Terry Toulmin Ward and Wellborn of the Senate, and messrs Andrews Baldwin Bolling Booth Boston Carmack Clifton of C. Crayton Creagh Crenshaw Douglass Esselman Finley Garner Godbold Golding Hammond Hancock Harris Harrison High Jones of C. Lindsay Lipscomb Martin mason McAllister McAlpin of m. McClanahan of m. McConnell McKnight Mcmillion mills Morris Murphy Payne Philpot Rogan Searcy Simmons Slater Smith of D. Smith of m. Taylor of m. Vining Warren Williams of J. Williams of T. Wilson Withers and Wynn of the House of Representatives.

Those who voted for Mr Boswell, are messrs Dent Lee McVay and Ross of the Senate, and messrs Speaker Abercrombie Baker Bates Blassingame Booth Clanton Clifton of D. Cook of L. Crawford Earle Grigsby Hampton Henderson Hilliard Jones of B. Kennedy Mitchell Moore of m. Moore of W. Phillips Porter Priest Rutherford Walker Weissenger and Young of the House of Representatives.

Mr Townsend having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Judge of the county court of Pike county. The Senate then withdrew.

The House then proceeded to the orders of the day. A memorial to the Congress of the United States on the subject of the Creek Indian depredations, was read and adopted. *Ordered*, that the Clerk acquaint the Senate therewith and ask their concurrence.

The engrossed bills for the relief of Henry Hunter: to incorporate the Lieka Academy: to alter the time of holding the county court for the county of Covington and for other purposes therein specified: to change the mode of collecting the tax in the county of Marion: to repeal so much of the first section of the 4th chapter of the military code of this State, approved, December 20th 1837, as provides that no person be eligible to either of the offices of the militia of this State above the rank of captain, unless he be at the time of election a commissioned officer in the militia or volunteers, or shall have served three years as a commissioned officer in the militia or volunteers of this State: for the relief of Adely Manning: to establish by law muster days in the first division second brigade of Alabama militia: to authorise the Judge of the county court and commissioners of roads and revenue for the county of Jackson to levy and collect a tax, and to incorporate the town of Wedowee, were severally read the third time and passed. *Ordered*, that their titles be as aforesaid, and that the same be sent to the Senate for their concurrence: the engrossed bill to regulate judicial proceedings, was read the third time and passed. Yeas 56, nays 16.

The yeas and nays being desired, those who voted in the affirmative are messrs. Speaker Andrews Baldwin Baker Bates Bolling Boston Burke Cook of L. Crawford Crayton Creagh Crenshaw Earle Esselman Findley Garner Golding Grigsby Hampton Hancock High Hilliard Jones of B. Jones of C. Kennedy Lindsey Lipscomb Martin McAllister McAlpin of m. Mcmillion mills Mitchell Moore of m. Moore of W. Murphy Payne Phillips Philpot Porter Priest Rogan Rutherford

Searcy Simmons Slater Smith of D. Smith of m. Walker Weissinger Williams of J. Williams of T. Withers and Young

Those who voted in the negative are messrs Carmack Clifton of C. Douglass Hammond Harris Harrison Henderson mason McClanahan of m. McConnell McKnight Taylor of m. Vining Warren Wilson and Wynn.

The engrossed bill to amend and consolidate the laws in relation to county Treasurers was read the third time. Mr Hampton moved to amend the bill by way of engrossed ryder to come in as an additional section. Mr Young moved to recommit the bill to the committee on the judiciary, which was carried, and then the House adjourned till 3 o'clock P. M.

3 o'clock, *Wednesday, December 26.*—The house resumed the consideration of the orders of the day.

The engrossed bill to authorise the formation of militia companies in the county of Covington, with a less number of privates than forty, and for other purposes, was read the third time and passed. *Ordered*, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The bill to declare Wright's creek, in the county of Covington, a public highway and for other purposes therein named, was read the second time and ordered to be engrossed for a third reading.

The bill to amend an act passed 23d December 1837, declaring Sipsey river a public highway, was read the second time and ordered to be engrossed for a third reading.

The bill to encourage a direct export and import trade with foreign countries, and to authorise the formation of joint stock companies for the purpose of dealing in foreign and domestic merchandize and produces, was read the second time and referred to the committee on the judiciary.

The bill to incorporate the city of Wetumpka, was read the second time and ordered to be engrossed for a third reading.

The bill to incorporate the town of Paynesville, in the county of Sumter, was read the second time and ordered to be engrossed for a third reading.

The bill to legalize the acts of Moses H. Hughes as sheriff of Cherokee county, was read the second time and ordered to be engrossed for a third reading.

The bill to authorise Hazel Littlefield to erect a grist and saw mill on the east bank of the Coosa river, in the county of Benton, was read the second time. Mr McConnell moved to amend by adding an additional section, which was carried; the bill as amended was then ordered to be engrossed for a third reading.

The bill to repeal in part the charter of the turnpike road from Wetumpka to Syllacogga, was read the second time and ordered to be engrossed for a third reading.

The bill to appoint an additional surveyor for the county of Marshall, was read the second time, and on motion of Mr McKnight, referred to a select committee, consisting of Messrs McKnight, Golding and Harris.

The bill to repeal in part an act therein named, was read the second time. Mr McClanahan of M. moved its reference to a select committee, which was carried; whereupon Messrs McClanahan of M. Lindsay and Payne were appointed said committee.

The bill to develope and improve the internal resources of the State of Alabama, was read the second time and referred to the committee on internal improvement.

The bill from the Senate to repeal an act exempting certain property from levy and sale by virtue of an execution, so far as regards the county of Heary, passed December 2d 1837, was read the second time and ordered to a third reading.



The bill from the Senate to change the time of holding the county courts in the county of Morgan, was read the second time and laid on the table.

The bill to divorce Martha Roberts from her husband William Roberts, was read the second time and ordered to be engrossed for a third reading.

The bill to divorce Caroline L. Neely from her husband Jubal L. Neely, was read the second time and ordered to be engrossed for a third reading.

The bill to attach part of the county of Tuscaloosa to the county of Jefferson, was read the second time; and on motion of Mr McMillion, referred to a select committee, consisting of the delegation from the counties of Jefferson and Tuscaloosa.

The bills to divorce Eliza A. F. Anderson from her husband Edmond R. Anderson; to divorce John P. Hall from his wife Nancy Hall; to divorce Lucretia T. Tate from her husband Griffith Tate; to divorce John Youngblood from his wife Eliza Jane Youngblood; to divorce Elizabeth Dance from her husband Henry B. Dance; and to divorce Elizabeth Green from her husband John M. Green; were severally read the second time and ordered to be engrossed for a third reading.

The joint resolution from the Senate authorising the purchase of a certain number of Aiken's Digests was read the second time, and on motion of Mr Morris, referred to a select committee consisting of Messrs Morris Payne and Carmack.

The bills from the Senate prescribing the duties of the county Treasurer, and to repeal in part an act, entitled an act to increase the pay of jurors in certain counties therein named, were severally read the second time and ordered to a third reading.

The bill from the Senate to alter and amend an act entitled an act to provide for the sale of land and slaves at the town of Courtland in certain cases; approved 20th December, 1837, was read the second time. Mr Henderson moved to dispense with the constitutional rule, read on three several days for the purpose of giving the bill a third reading forthwith, which was carried; the bill was then read the third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate authorising an additional number of jurors to be drawn and summoned to attend the circuit and county courts for the county of Wilcox; was read the second time, and on motion of Mr. Burke, referred to a select committee consisting of the delegation from the county of Wilcox.

The bill from the Senate to define the limits of the town of Somerville in the county of Morgan and incorporate the same; was read the second time and ordered to a third reading.

The bill to divorce Sarah Greene from her husband William Greene, was read the second time and ordered to be engrossed for a third reading.

The bill to revive and amend an act, entitled an act to incorporate the lower part of the town of Tuscaloosa, on the south fraction of section twenty-one, of township in range ten west of the meridian of Huntsville, passed 26th December 1820; was read the second time and ordered to be engrossed for a third reading.

The bill to authorise a fifth quality of land, subject to taxation; was read the second time. Mr Cook of L. moved to amend the bill by inserting after the word "twenty" the word "five" which was carried. Mr. Smith of M. moved to postpone the further consideration of the bill until Monday next: Mr. Payne moved to postpone until the first day of February next, and the ques-

tion being taken, on the motion of Mr Payne, it was decided in the affirmative.

The bill to change the time of holding the August term of the commissioners court of roads and revenue for the county of Blount; was read the second time and ordered to be engrossed for a third reading.

The joint resolutions directing to the president and directors of the bank of the State of Alabama and its branches; were read the second time and on motion of Mr Clifton of D. laid upon the table.

The bill to provide for the building a court-house and jail in the county of St. Clair; was read the second time and ordered to be engrossed for a third reading.

The bill to repeal an act now in force comprising the collection of debts before a justice of the peace in the beat where the contract was made, so far as the county of Sumter is concerned; was read the second time, and referred to a select committee, consisting of Messrs. Payne, Walker and McConnell.

The bill to authorise the judge of the county court and commissioners of roads and revenue for the county of Sumter to levy a tax for the building of a court house in the town of Livingston of said county of Sumter; was read the second time and referred to a select committee, consisting of Messrs. Payne, Harrison and Henderson.

The bill to repeal in part an act now in force confining the collection of debts before a justice of the peace in the beat where the defendant resides or where the contract was made, and for other purposes; was read the second time and referred to a committee on the judiciary.

The bill the better to regulate the executing or serving of process in civil cases, was read the second time and referred to the committee on the Judiciary.

The bill to incorporate the Medical Society of South Alabama and for other purposes; was read the second time and on motion of Mr Grigsby, referred to the select committee raised on the memorial of a number of students of the Transylvania University.

The bill to alter and change the manner of electing members to the Congress of the United States from the State of Alabama; was read the second time. Mr Priest moved to postpone the further consideration of the bill until the first day of February next, and then the House adjourned till to-morrow nine o'clock.

*Thursday Dec. 27th.*—Mr Kennedy presented the petition of sundry citizens praying for a state road; which was read and referred to a select committee consisting of the delegation from the counties of Bibb and Shelby; also the record and decree of the circuit court of Bibb county, divorcing Hiram Elam from Celia Elam; which was read and referred to the committee on divorce and alimony.

Mr Crenshaw presented the petition of sundry citizens of Butler county on the subject of the county site of said county; which was read and referred to a select committee composed of the delegation from Butler county.

Mr Crayton presented the record and decree of the circuit court of Chambers county, divorcing Harriet Frill from her husband John S. Frill; which was read and referred to the committee on divorce and alimony.

Mr Burke presented a supplemental return of the census of Franklin county for 1838, which was read and referred to the committee on apportionment.

Mr Taylor of F. presented the petition of Richard Cole and Thompson Berry; which was read and referred to the committee on propositions and grievances.

Mr Harris presented the petition of sundry citizens of Jackson county, praying the Legislature to alter the name of a certain person therein named; which

was read and referred to a select committee composed of the delegation from Jackson county.

Mr Erle presented the petition of Levi Robbins; which was read and referred to the committee on propositions and grievances.

Mr Mills presented the petition of sundry citizens on the subject of proving accounts; which was read and referred to the committee on the Judiciary.

Mr Vining presented the petition of Bryant Cobb, and David Recketts, praying for leave to open a turnpike road through Madison and Marshall counties; which was read and referred to a select committee composed of the delegations of Madison and Marshall counties.

Mr Golding presented a petition on the same subject; which was read and referred to the same committee.

Mr Philpot presented the petition of sundry citizens of Morgan county, praying for relief for Golden Harper; which was read and referred to the committee on propositions and grievances.

Mr Simmons presented the petition of sundry citizens of Pike county praying for an appropriation to clear out Pea river, which was read and referred to the committee on rail roads.

Accounts were presented by Messrs. Rutherford and Lipscomb; which were severally read and referred to the committee on accounts.

Mr Young from the committee on the judiciary to which was referred resolutions from the State of Rhode Island in relation to the annexation of Texas, and also resolutions from the State of Ohio on the same subject; reported that there is nothing contained in the resolutions referred, requiring the action of the judiciary committee and asked to be excused from the further consideration of the subject contained in said resolutions, in which the House concurred.

Mr Young from the same committee to which was referred a petition from sundry citizens of Mobile, praying for the passage of a law prohibiting sales at auction in the city of Mobile, under certain exemptions; reported that it would be inexpedient to pass the law prayed for by the petition and asked to be discharged from the further consideration of the subject; in which the House concurred.

Mr Young from the same committee to which was referred a petition from citizens of Greene county, praying for an increase of the fees now allowed by law to constables; reported that it is inexpedient to legislate on the subject, and asked to be excused from the further consideration of the same, in which the House concurred.

Mr Meson from the committee on enrolled bills reported as correctly enrolled: an act to change the time of holding the county court in the county of Morgan.

Mr Morris from the committee on the judiciary to which was referred a bill to repeal in part the law in relation to attachments; reported it inexpedient to pass the same. Mr Morris moved that the report lie on the table, which was carried.

A message was received from the Senate by Mr Childress their assistant secretary. Mr Speakea: the Senate have adopted the following resolution: *Resolved*, that (the House of Representatives concurring in the same) no new business shall be received of any sort whatever, from and after the 15th day of January, 1839; *Provided nevertheless*, that this resolution shall not be so construed as to exclude any business from the State Bank or any of the branches at Mobile, Montgomery, Decatur and Huntsville, or the Planters and Merchants Bank of Mobile, or the Mobile Bank, or petitions from any portions of the

citizens of the State Alabama. Mr Abercrombie moved to lay the resolution on the table, which was carried.

Mr Phillips from the committee on the judiciary to which was referred the petition of William B. and George J. Hardwick, reported a bill to enable William B. and George J. Hardwick, who are under the age of twenty-one years to do certain things therein named; which was read the first time and ordered to a second reading.

Mr Crenshaw from the committee on the judiciary to which was referred a resolution to inquire into the expediency of abolishing the common law jurisdiction of the county courts of this State; reported a bill to abolish the common law jurisdiction of the county courts which was read the first time and ordered to a second reading.

Mr Bolling from the same committee to which was referred the memorial from the grand jury of Macon county; reported that it is inexpedient to grant the prayer of the petitioners as most of the matters embraced in said petition, are now before the Legislature; in which report the House concurred.

Mr Grigsby from the select committee to which was referred the petition of the Selma Rangers; reported a bill to incorporate the Selma Rangers, which was read the first time and ordered to a second reading.

Mr McClanahan of M. from the select committee to which was referred the bill to repeal an act therein named; reported the same back to the House without amendment and recommended its passage. The bill was then read the second time. Mr McClanahan of M. moved to dispense with the constitutional rule requiring bills to be read on three several days, and that the bill be considered as engrossed and receive a third reading forthwith, which was carried; the bill was then read a third time and passed. *Ordered*, that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

Mr Henderson from the select committee to which was referred the bill to incorporate the Light Artillery Borderers; reported the same back to the House with an amendment to strike out the sixth section, and with such amendment recommended its passage, in which report the House concurred; the bill as amended was then read the second time and ordered to be engrossed for a third reading.

Mr Payne from the select committee to which was referred a bill to repeal in part an act now in force, confining the collection of debts before a justice of the peace in the beat where the contract was made, so far as the county of Sumter is concerned, reported the same back to the House without amendment and recommended its passage; the bill was then read a second time and ordered to be engrossed for a third reading.

The House took up the resolution offered on yesterday by Mr Crenshaw, providing that hereafter this House shall meet at half past nine o'clock, instead of the time now required by law; and the question being taken on the adoption of said resolution, it was decided in the affirmative.

Mr Henderson introduced a bill to revive and continue in force the charter of the Moulton Rail Road Company; which was read the first time and ordered to a second reading.

Mr Grigsby introduced a bill to amend an act entitled an act to incorporate the Selma and Tennessee Rail Road Company, approved 22d day of December 1836, which was read the first time and ordered to a second reading.

Mr McKnight from the select committee to which was referred a bill to appoint an additional surveyor for the county of Marshall; reported the same back

to the House, with an amendment and with the amendment recommended its passage, in which the House concurred. Mr Moore of M. moved to amend the bill by adding an additional section No. 3, which was carried. The bill as amended was then ordered to be engrossed for a third reading.

Mr Lipscomb who voted with the majority on postponing the preamble and resolutions offered by Mr Smith of M. to this day at twelve o'clock, moved a reconsideration of said vote, which was carried. Mr Lipscomb then moved that the further consideration of the preamble and resolutions be postponed until twelve o'clock on this day, and that they be made the special order for that hour; which was carried.

Mr. Cook of L. introduced a bill to incorporate the Mount Pelier Academy in the county of Lowndes, which was read the first time and ordered to a second reading.

Mr Weissinger introduced a bill supplementary to an act approved on the 30th day of June 1837, which was read the first time and ordered to a second reading.

Mr Boston introduced a bill to remove the Branch of the Bank of the State of Alabama at Decatur, to Florence, which was read the first time and ordered to a second reading.

Mr Findley introduced a bill for the relief of Philip H. Hason, which was read the first time and ordered to a second reading.

Mr Harrison introduced a bill to continue in force an act entitled an act to establish a turnpike road from the house of John Gawdy in Morgan county, to Baltimore or Morgan Springs in Blount county, passed, December 23, 1832, which was read the first time and ordered to a second reading.

Mr Crayton introduced a bill to incorporate the Baptist Church at La Fayette in the county of Chambers, which was read the first time and ordered to a second reading.

Mr Bates offered a preamble and the following resolution: *Resolved*, as the deliberate opinion of this House, that the condition of the country will not warrant the State Bank and the Branches thereof, to resume the payment of specie on the first day of January next. Mr Morris moved to lay the preamble and resolution on the table. M. Baldwin moved to postpone the further consideration of the same until the first day of February next, and the question being taken thereon, it was decided in the affirmative—yeas 73, nays 8.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Abercrombie Andress Baldwin Bolling Booth Boston Burke Carmack Clanton Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Esselman Finley Garner Godbold Golding Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Jones of C. Lindsay Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of M. McClanahan of M. McConnell McKnight McMillion Mills Mitchell Morris Morrow Moore of Mad. Moore of W. Murphey Payne Phillips Philpot Priest Rogan Rutherford Searcy Simmons Slater Smith of D. Smith of M. Soimners Taylor of F. Taylor of M. Vining Walker Warren Williams of J. Williams of T. Wilson Withers Wynn and Young.

Those who voted in the negative are Messrs Baker Bates Blassengame Grigsby Jones of B. Kennedy Porter and Weissinger.

Mr Speaker laid before the House the record and decree of the circuit court of Coosa county, divorcing William Logan from his wife Mary Logan—also the record and decree of the circuit court of Talladega county, divorcing Sarah Harmon from her husband Joel Harmon—also the record and decree of the circuit court of Autauga county, divorcing Silas G. Jones from his wife Nancy Jones, which were severally read and referred to the committee on divorce and alimony.

Mr Bolling offered the following resolution: *Resolved*, that this Legislature

is highly gratified at the exertions which the Banks of this State are making to resume specie payments at as early a time as possible, and it is gratifying to learn that several of our Banks are now in a condition to resume, and have determined to do so on the first day of January next. Mr Harrison moved to postpone the further consideration of the resolution until the first day of February next, which was lost—yeas 5, nays 76.

The yeas and nays being desired those who voted in the affirmative are messrs. Bates Blassengame Booth Harrison and Weissinger.

Those who voted in the negative are messrs Speaker Abercrombie Andress Baldwin Baker Bolling Boston Burke Carmack Clanton Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Esselman Findley Garner Godbold Golding Grigsby Hammond Hampton Hancock Harris Henderson High Hilliard Jones of B. Jones of C. Kennedy Lindsay Lipscomb Martin Mason McAlpin of G. McAlpin of M. McClanahan of M. McConnell McKnight McMillan Mills Mitchell Morris Morrow Moore of Mad. Moore of W. Murphey Payne Phillips Philpot Porter Priest Rogan Rutherford Searcy Simmons Slater Smith of D. Smith of M. Sommers Taylor of F. Taylor of M. Vining Walker Warren Williams of J. Williams of T. Wilson Withers Wynn and Young.

Mr Young moved to amend the resolution by striking out all after the word "possible."

The House then proceeded to the consideration of the orders of the day, and took up the preamble and joint resolutions heretofore offered by Mr Smith of M being the special order, the question being on their adoption.

And then the House adjourned till three o'clock, P. M.

*Evening Session, Thursday, Dec. 27*—Mr Baker moved to suspend the matter under consideration for the present, which was carried:

*Ordered*, that Mr Burke be added to the committee on education.

Mr Kennedy moved further to suspend for the purpose of making a report, which was carried.

Mr Kennedy from the committee on the judiciary to which was referred, the petition of the Sheriff of Randolph county, on the subject of the election of an Assessor and Tax Collector for Randolph county, enclosing also a petition of sundry citizens of said county on the subject of authorising the proper officers of said county to levy a special tax for the purpose of building a court-house—reported that there is no legal question involved therein, and asked to be discharged from the further consideration thereof; in which report the House concurred.

Mr Baker moved to suspend the further consideration of the preamble and joint resolutions heretofore offered by Mr Smith of M. and now under consideration, until to-morrow twelve o'clock, and that they be made the special order of the day for that hour, and the question being taken thereon, it was decided in the affirmative—yeas 40, nays 35.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Speaker Andress Baldwin Baker Bates Blassengame Bolling Burke Clanton Clifton of D. Cook of L. Crayton Creagh Earle Ellis Garner Grigsby Hampton Hilliard Kennedy Lipscomb Martin McAlpin of G. McMillan Mitchell Morris Moore of Mad. Moore of W. Murphey Porter Priest Rogan Rutherford Searcy Simmons Smith of M. Weissinger Williams of T. Withers and Young.

Those who voted in the negative are, messrs. Booth Boston Clifton of C. Crawford Crenshaw Douglass Godbold Golding Hancock Harris Henderson High Jones of B. Jones of C. Mason McAlister McAlpin of M. McClanahan of M. McConnell McKnight Mills Morrow Payne Philpot Slater Smith of D. Sommers Taylor of F. Taylor of M. Vining Walker Warren Williams of J. Wilson and Wynn.

The engrossed bills, to amend an act, passed 23d December, 1837, declaring Sipsey river a public highway: to declare Wright's creek in the county of Covington a public highway and for other purposes therein named, were severally read a third time and passed. *Ordered*, that the titles be as aforesaid and that same be sent to the Senate for their concurrence.

Bills from the Senate; To repeal an act exempting certain property from levy and sale by virtue of an execution so far as regards the county of Henry, pas-

sed, December 2, 1857: to repeal in part an act entitled an act to incresse the pay of jurors in certain counties therein named: prescribing the duties of the county treasurer of Franklin county: to define the limits of the town of Somerville in the county of Morgan and to incorporate the same, were severally read the third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

The House took up on its second reading, the bill to alter and change the manner of electing members to the Congress of the United States from the State of Alabama. The question being on the motion of Mr Priest to postpone until the first day of February next, it was decided in the affirmative, yeas 52, nays 26.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Speaker Andress Baldwin Baker Bates Blassingame Bolling Burke Clanton Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Earl Ellis Findley Garner Grigsby Hampton Harris Henderson Hilliard Jones of B. Kennedy Lindsey Mason McAlpin of G. McClanahan of M. McConnell Mills Mitchell Moore of Mad. Moore of W. Murphy Payne Peters Philpot Porter Priest Rutherford Simmons Slater Walker Weissinger Williams of J. Williams of T. Withers Wynn and Young.

Those who voted in the negative, are Messrs. Booth Boston Douglass Godbold Golding Hammond Hancock High Jones of C. Lipscomb Martin McAlister McAlpin of M. McKnight McMillion Morris Morrow Searcy Smith of D. Smith of M. Sommers Taylor of F. Taylor of M. Vining Warren and Wilson.

And then the House adjourned till to-morrow at half past nine o'clock.

*Friday, December 28.*—Mr Phillips presented the petition of sundry citizens of Dallas county praying for an increase of the salary of the judge of the county court of said county, which was read and referred to a select committee consisting of the delegation from Dallas county.

Accounts were presented by Messrs McAlpin of G. Murphy and McConnell, which were severally read and referred.

Mr Smith of M. presented the remonstrance of many citizens against granting to Bryant Cobb and David Rickets the right to open a turnpike road through parts of Madison and Marshall, which was read and referred to the select committee heretofore raised on that subject.

Mr McAlpin of M. presented the petition of sundry citizens of Mobile praying for a charter for the Farmers Banking Association at Demopolis, which was read and referred to the select committee heretofore raised on that subject.

Mr Williams of T. presented a communication from a committee of the Board of Trustees, recommending a geological survey of the State of Alabama, which was read and referred to the committee on internal improvements.

Mr Taylor of F. from the committee on roads, bridges and ferries, to which was referred the petition of David Cawfield of Jackson county, praying permission to establish a ferry on the Tennessee river: reported a bill to authorise David Cawfield to establish a public ferry at the Cedar Bluff in the county of Jackson, which was read the first time and ordered to a second reading.

Mr Taylor of F. from the same committee to which was referred the petition of sundry citizens of Tuscaloosa, praying permission to build a bridge over Sipsy river, reported that it is inexpedient to legislate on the subject, in which the House concurred.

Mr Taylor of F. from the same committee, to which was referred the petition of William Browning and others, praying the passage of a law authorising the said Browning to erect two gates on the Turkey Creek road, running through his plantation, reported that it is inexpedient to legislate on the subject, and asked to be discharged from the further consideration thereof; in which the house concurred.

Mr Searcy, from the committee on the state printing, to which was referred



the account of George Noble for printing, reported a bill for the payment of a claim therein named, which was read the first time and ordered to a second reading.

Mr Moore of Mad. from the committee on the judiciary, to which was referred a resolution instructing them to enquire into the expediency of amending the laws so as to give relief to co-securities in certain cases, reported a bill for the relief of co-securities in certain cases; which was read the first time and ordered to a second reading.

Mr Hilliard, from the same committee, to which was referred the petition of sundry citizens, praying for legislative action in regard to certain papers destroyed by Indian depredations, reported that it is unnecessary to legislate on the subject, and asked to be discharged from its further consideration; in which the House concurred.

Mr Moore of Mad. from the committee on the state bank, to which was referred a bill for the relief of debtors, citizens of the state of Alabama, and for other purposes, reported that it would be inexpedient to pass said bill; in which report the house concurred.

Mr Porter, from the committee on the judiciary, to which was referred the memorial of M. McGuire, reported a bill to amend the laws upon the subject of the probate of deeds, which was read the first time and ordered to a second reading.

Mr Harris, from the select committee to which was referred the petition of sundry citizens of Jackson county, praying that the name of a certain person therein named should be changed, reported a bill to change the name of William Lacock to William Warren; which was read the first time and ordered to a second reading.

Mr Burke, from the select committee, to which was referred a bill from the Senate authorising an additional number of jurors to be drawn and summoned to attend the circuit and county courts for the county of Wilcox, reported the same back to the house with sundry amendments, to wit: to strike out the words "six judicial days and no more," in the latter part of the first section, and insert in lieu thereof "the remainder of the term;" also to strike out the whole of the third section, in which report the house concurred; the bill was then read the second time—Mr Burke moved to dispense with the constitutional rule requiring bills to be read on three several days, for the purpose of giving the bill a third reading forthwith, which was carried; the bill was then read the third time and passed. *Ordered*, that the clerk acquaint the senate therewith.

Mr Payne, from the select committee, to which was referred the bill to authorise the judge of the county court and commissioners of roads and revenue for the county of Sumter, to levy a tax for the building of a court house in the town of Livingston of said county of Sumter, reported the same back to the house with an amendment to come in at the end of the first section; in which report the house concurred. The bill as amended was then read the second time and ordered to be engrossed for a third reading.

A message was received from the Senate by Mr Childress, their assistant secretary—Mr Speaker, the senate have passed bills of the following titles, to-wit: "an act concerning the Mobile and Cedar Point rail road company;" "an act to incorporate the town of Mardisville in the county of Talladega;" in which they ask the concurrence of your honorable body. They have passed a bill which originated in the house of representatives, to alter the time of holding the county court in the county of Covington, and for other purposes herein

specified. Also, they have adopted a joint memorial of the senate and house of representatives to the congress of the United States, on the subject of Creek Indian depredations.

The bills from the senate "concerning the Mobile and Cedar Point rail road company," and "to incorporate the town of Mardisville, in the county of Talladega," were severally read the first time and ordered to a second reading.

Mr Clifton, of D. from the committee on the military, to which was referred a resolution for authorising the increase of the number of men in the volunteer companies, reported a bill to amend the first section of the seventh chapter of the military code, approved 23d Dec. 1836, and for other purposes, which was read the first time and ordered to a second reading.

Mr Morris, from the select committee, to which was referred the joint resolution from the senate, authorising the purchase of a certain number of Aikin's Digests, reported the same back to the house with an amendment as therein shewn; Mr Porter moved to refer the resolution and amendment to the judiciary committee, which was carried.

The house took up the resolution offered yesterday by Mr Bolling, the question being on the motion of Mr Young to amend by striking out all after the word "possible," was accepted by the mover—Mr Morris moved to amend the resolution by adding after the word "possible," all that part of the resolution which Mr Young moved to strike out—Mr Morris moved to refer the resolution and amendment to a select committee—Mr Porter moved their reference to the committee on the state bank, and the question being taken on the motion of Mr Porter, it was lost; the question then recurred on the motion of Mr Morris, and was lost; Mr Kennedy moved to lay the resolution and amendment on the table; Mr Porter called for a division of the question, which was first taken on laying the amendment on the table, and decided in the negative, yeas 35, nays 45.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Bates Blasengame Crayton Crenshaw Earle Ellis Finley Hampton Hancock Harris Harrison Henderson Hilliard Kennedy Lindsey Lipscomb Mason McAlpin of G. McAlpin of M. McMillion Mitchell Moore of Mad. Philpot Porter Priest Rogan Rutherford Slater Vining Walker Weisinger Williams of T. Wilson and Young.

Those who voted in the negative are Messrs Abercrombie Address Booth Boston Burke Carmack Clifton of C. Cook of L. Crayton Creagh Douglass Esselman Garner Godbold Golding Grigsby Hammond High Jones of B. Jones of C. Jones of P. Martin McAlister McClanahan of M. McConnell Mills Morris Morrow Moore of W. Murphy Payne Peters Phillips Searcy Shields Simmons Smith of D. Smith of M. Sommers Taylor of F. Taylor of M. Warren Williams of J. Withers and Wynn.

The house then proceeded to the orders of the day and resumed the consideration of the preamble and joint resolutions heretofore offered by Mr Smith of M.—the question being on their adoption; a message was received from His Excellency the Governor, by Mr Gooch his private secretary:

EXECUTIVE DEPARTMENT, Tuscaloosa, Dec. 28, 1838.

SIR—A vacancy has occurred in the office of Judge of the county court of Limestone county, by the resignation of the hon. Paul Hildreth.

(Signed)

A. P. BAGBY.

Hon. James W. McClung, Speaker House of Representatives.

A message was received from His Excellency the Governor, by Mr Gooch his private secretary: Mr Speaker, His Excellency the Governor this day approved and signed bills of the following titles, to wit: "an act to change the time of holding the county courts of the county of Morgan;" an "act for the support of paupers in the county of St. Clair;" also a joint memorial of the senate and house of representatives of the state of Alabama to the congress of the United States, in relation to the public lands in the Cherokee nation," all

of which originated in the house of representatives; and then the house adjourned till half past three o'clock. p m.

*Evening Session, Dehember 28, 1838.*—The preamble and joint resolutions of Mr Smith of M. being under consideration, Mr Earle moved to postpone the further consideration of the same until to-morrow 12 o'clock and they be made the special order of the day for that hour, which was carried.

Mr Abercrombie from the select committee to which was referred the petition of the sufferers from the depredations of the hostile creek indians, reported that the committee have had the same under consideration and find that many of our peaceable and quietly disposed citizens were by the creek indians suddenly attacked and driven from their homes; their houses burned, plantations and other property laid waste; their stock destroyed, and many of their families murdered before any assistance or protection could be obtained by them from either the State or General Government, and that many of the said citizens by reason thereof are now, many of them unable to furnish their families with the common necessities of life, wherefore they have instructed him to report a bill for the relief of the sufferers by reason of the depredations of the hostile creek indians, which was read the first time and ordered to a second reading.

The engrossed bills to divorce Lucretia T. Tate, from her husband Griffith Tate; to divorce Martha Roberts from her husband William Roberts; to divorce Caroline T. Neely from her husband Jubal J. Neely; to divorce Eliza A. T. Anderson from her husband Edmond R. Anderson were severally read the third time and passed by the constitutional majority. *Ordered*, that the titles be as aforesaid and that the same be sent to the Senate for their concurrence.

The engrossed bills to authorise Hazel Littlefield to erect a grist and saw mill on the east bank of the Coosa river, in the county of Benton.

To legalize the acts of Moses H. Hughes as sheriff of Cherokee county.

To appoint an additional surveyor for the counties of Marshall, Randolph and Madison.

To incorporate the city of Wetumpka.

To revive and amend an act to incorporate the lower part of the town of Tuscaloosa, on the south fraction of section twenty-one, in township twenty-one of range ten west of the meridian of Huntsville, passed 20th of December 1820.

To repeal an act now in force confining the collection of debts before a justice of the peace in the beat where the contract was made, so far as the county of Sumter is concerned.

To incorporate the Light Artillery Borderers; to incorporate the town of Paynesville, in the county of Sumter, and to provide for building of a court house and jail in the county of St. Clair; were severally read the third time and passed. *Ordered*, that their titles be as aforesaid and that they be sent to the Senate for their concurrence.

The bill to compensate Samuel Oliver, Daniel Calaway, Arthur Strippling, Elizabeth J. Wilson, Samuel Hagan, Lewis Birch and Mary Hany, for provisions furnished General Moore's Brigade, was read the second time.

Mr Godbold moved to amend the bill by inserting in the first section before the word "terms" the words "the representatives of" which was carried.

The bill as amended was then ordered to be engrossed for a third reading.

The bill for the relief of John Coleman and others, was read the second time and referred to the committee on the judiciary.

Mr Grgsby from the select joint committee to which was referred the bill to change the mode of electing bank directors and for other purposes, reported

the same back to the House and that they do not think a proper reference of the bill was made; in which the House concurred. Mr Harrison moved to refer the bill to a select committee, consisting of one member from each judicial circuit which was carried; whereupon Messrs Harrison, Mills, Neily, Williams of T. McConnell, Booth, Lipscomb, Burke and Aberombie were appointed said committee.

Mr Mason from the committee on enrolled bills, reported as correctly enrolled, An act to alter and amend an act entitled an act to provide for the sale of land and slaves at the town of Courtland, in certain cases, approved 31st December 1837, which originated in the Senate.

The bill for the relief of Cassandra Kelly, was read the second time and ordered to be engrossed for a third reading.

The bill to authorise Levi Williams to erect mills on the Coosa river, was read the second time and ordered to be engrossed for a third reading.

The bill to amend the laws relating to absconding slaves, was read the second time. Mr Booth moved to amend the bill by inserting between the words Mobile, Tuscaloosa the word Montgomery, which was carried; the bill as amended was ordered to be engrossed for a third reading.

The bill to explain and amend the laws concerning injunctions, orders, decrees and other matters in chancery was read the second time and referred to the committee on the judiciary.

The bill the better to provide for the advertising of lands and negroes levied on by the sheriff of Dallas county, was read the second time and ordered to be engrossed for a third reading.

The bill to provide for the examination of the several circuit and county clerks offices in this State, was read the second time and referred to a select committee, consisting of Messrs. Morris, Porter and Phillips.

The bill to alter and amend in part, the charter of the Bank of the State of Alabama and the several Branches thereof, was read the second time and referred to the committee on the State Bank.

The bill to require the Secretary of State to distribute the Laws and Journals of the General Assembly, among the several counties of this State, was read the second time. Mr Payne moved to postpone the further consideration of the same until the first day of February next, which was carried.

The bill to authorise the election of an assessor and tax collector in the county of Madison, was read the second time.

Mr Phillips moved to amend by adding after the word Madison, the word Dallas which was carried.

Mr Harris moved further to amend the bill by adding after the word Dallas, the word Jackson, which was carried.

Mr McKnight moved further to amend by adding after the word Jackson, the word Randolph, which was carried.

Mr Booth moved further to amend the bill by adding after the word Randolph the word Barbour, which was carried.

Mr Baker moved further to amend the bill by adding after the word Barbour, the word Franklin, which was carried.

Mr Burke moved further to amend the bill by adding after the word Franklin, the word Wilcox, which was carried.

Mr Rogan moved to amend the bill further by adding after the word Wilcox, the word St. Clair, which was carried.

Mr Payne moved further to amend the bill by adding after the word St. Clair, the word Sumter, which was carried.

Mr Crawford moved further to amend the bill by adding after the word Sumter, the word Monroe, which was carried.

Mr Creagh moved further to amend the bill by adding after the word Monroe, the word Clarke, which was carried.

Mr Cook of L. moved to amend further by adding after the word Clarke, the word Lowndes, which was carried.

Mr Philpot moved further to amend by adding after the word Lowndes, the word Morgan, which was carried.

Mr Blassengame moved further to amend by adding after the word Morgan, the word Perry, which was carried.

Mr Morris moved to amend further by adding after the word Perry, the word Coosa, which was carried.

Mr Smith of M. moved to refer the bill and amendments to a select committee with instructions to report a general bill on the subject which was lost.

Mr McConnell moved further to amend the bill by adding after the word Coosa, Talladega, which was carried. The bill was further amended so as to conform in its caption and otherwise with the foregoing amendments, and as amended was ordered to be engrossed for a third reading.

The bill to change the time of holding the county courts of the county of Benton, was read the second time and referred to a select committee, consisting of messrs Martin, Clifton of C. and Smith of D.

The following is the preamble to the resolution offered on yesterday by Mr Bates, which was postponed until the first day of February next, to wit:

WHEREAS the General Assembly of Alabama at the called session of the same, in the year 1837, passed an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its Branches, and legalizing the suspension of specie payments of the same and for other purposes; and whereas the plain meaning of the third section of said act, provides that the aforesaid Banks and Branch Banks should not resume the payment of specie until the 15th day of June, 1840, unless the condition of the country enabled them to resume sooner: and whereas it appears from the report of the commissioners appointed by his Excellency the Governor to examine the said Banks, that there will be due to said Banks, in the year 1839, (\$14,403,000) fourteen million four hundred and three thousand dollars; and that the means in the country to pay said sum does not exceed eight millions of dollars, as reported by said commissioners. And whereas other large sums of money are due by the citizens of the State to each other and to persons residing without the limits of the State, many of which debts are now in suit for collection. And whereas a fair construction of the 18th section of the above named law requires the President and Directors of the said Bank and Branch Banks to issue and keep in circulation the bills and notes of said Bank and Branches not exceeding the amount of capital stock of said Bank and Branches, including the bonds thereby authorised to be issued, which would leave the sum of nearly (\$13,000,000) thirteen millions of dollars; and whereas the said Presidents and Directors of said Bank and Branches, have greatly reduced their circulation below the amount of their respective capitals and thereby show that they intend to resume the payment of specie upon the principles of construction—and whereas, the General Assembly being the guardian of the State Banks, the people can reach those institutions only through their Representatives. Therefore be it Resolved, &c.

Mr Abercrombie moved that this House do now adjourn till to-morrow at half past 9 o'clock, which was lost.

The bill to incorporate the Muscle Shoals Bridge Company, was read the second time and referred to the committee on roads, bridges and ferries.

The bill to amend an act more effectually to prevent the circulation of what are termed change bills or tickets, was read the second time and referred to the committee on the judiciary.

The bill to amend an act to incorporate the Fairfield and Macon rail road company, approved Dec. 23, 1836, was read the second time. Mr Ellis moved to amend the caption of the bill by inserting after the word 'amend' the words

'and revive,' which was carried. Mr Ellis moved further to amend the bill in the first section, so as to read 'Henry W. Rhodes' in the place of Henry T. Rhodes,' which was carried. Mr Ellis moved to dispense with the constitutional rule requiring bills to be read on three several days; that the bill be considered as engrossed, and receive a third reading forthwith, which was carried. The bill was then read the third time and passed. *Ordered*, That the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

And then the House adjourned till to-morrow at half past 9 o'clock.

*Saturday, Dec. 29, 1838.*—Mr Martin presented the petition of sundry citizens of Randolph county, in relation to the State Bank, which was read and referred to the committee on the State Bank.

Mr Harrison presented the recommendation of a number of citizens of Blount county, of the claims of William White for a seat in the Directory of the Branch of the Bank of the State of Alabama at Decatur, which was read and laid on the table.

Mr McAlpin of M. presented the petition of sundry citizens, in relation to sales at auction, which was read and referred to a select committee, consisting of the delegation from the counties of Mobile, Washington and Baldwin.

Mr Hilliard asked leave to withdraw the petition of Cyrus Phillips, heretofore presented and referred to the committee on the State Bank, which was granted.

An account was presented by Mr McConnel, which was read and referred. *Ordered*, That Messrs McClanahan of S. and Rogan, be added to the committee on indian affairs; Mr Burke to the committee on military affairs, and Mr Mason to the committee on inland navigation.

Mr Lipscomb introduced a bill to prescribe the duties of the Attorney General, and for other purposes, which was read the first time and ordered to a second reading.

Mr Andress introduced a bill for the compensation of talis jurors in the county of Monroe, which was read the first time and ordered to a second reading.

Mr Abercrombie introduced a bill to change the boundary line of Russell county, which was read the first time and ordered to a second reading.

On motion of Mr Abercrombie, *Resolved*, That the military committee be instructed to inquire into the expediency of establishing an additional brigade to be composed of the counties of Russell, Chambers and Tallapoosa.

Mr Carmack introduced a bill for the relief of the purchasers of the 16th section, of township one, range 10, west, in the county of Lauderdale, which was read the first time, Mr Carmack moved to dispense with the constitutional rule requiring bills to be read on three several days, and to give the bill a second reading forthwith, which was carried. The bill was then read the second time and referred to the committee on education.

Mr Crayton introduced a bill to incorporate the town of Cussetah, in the county of Chambers, which was read the first time and ordered to a second reading.

Mr Hampton introduced a bill to authorize the Judge of the county court of Lawrence county, to appoint a surveyor, which was read the first time, and the constitutional rule requiring bills to be read on three several days, having been dispensed with, the bill was read the second time and ordered to be engrossed for a third reading.

Mr Kennedy introduced a bill to authorize an election of a Justice of the Peace and Constable in the town of Maplesville and county of Bibb, and for other purposes, which was read the first time, and the constitutional rule requiring

bills to be read on three several days, having been dispensed with, the bill was read the second time and referred to the committee on the judiciary.

On motion of Mr Grigsby, *Resolved*, That the committee on inland navigation be instructed to inquire into the propriety of appropriating part of the three per cent. fund, for the purpose of removing logs, snags and other obstructions in the Alabama river, with leave to report by bill or otherwise.

Mr Taylor of M. offered the following resolution: *Resolved*, That the House will receive no new business after the 10th of January next. Mr Kennedy moved to lay the resolution on the table, which was carried.

Mr Martin introduced a bill amendatory of the laws in relation to escheats, which was read the first time and ordered to a second reading.

Mr Williams of T. introduced a bill to amend and alter the charter of the Bank of the State of Alabama and the several Branches thereof, which was read the first time, and the constitutional rule requiring bills to be read on three several days having been dispensed with, the bill was read the second time and referred to the committee on the State Bank.

Mr Garner introduced a bill for the better management of the State Bank and its Branches, which was read the first time and ordered to a second reading.

Mr Williams of T. introduced a bill to limit the amount of issues of the Bank of the State of Alabama and the several Branches thereof, which was read the first time, and the constitutional rule requiring bills to be read on three several days having been dispensed with, the bill was read the second time and referred to the committee on the State Bank.

Mr Wilson introduced a bill to increase the pay of jurors, in the county of Jackson, which was read the first time and ordered to a second reading.

Mr Esselman introduced a bill to repeal in part an act relating to the county tax, which was read the first time and ordered to a second reading.

Mr Hampton introduced a bill to be entitled an act therein named, which was read the first time, and the constitutional rule requiring bills to be read on three several days, having been dispensed with, the bill was read a second time and referred to the committee on the State Bank.

Mr Earle introduced a bill to amend in part an act entitled an act to provide for the pay of certain accounts created by the regiment of observation, in going to and returning from Vernon, which was read the first time. Mr Earle moved to dispense with the constitutional rule requiring bills to be read on three several days, and to give the bill a second reading forthwith, which was carried, and the bill read a second time. Mr Earle moved further to dispense with the constitutional rule requiring bills to be read on three several days, that the bill be taken as engrossed, and receive a third reading forthwith, which was carried.—The bill was then read the third time and passed. *Ordered*, That the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

On motion of Mr Abercrombie, *Resolved*, That the committee on inland navigation be instructed to inquire into the propriety of dividing the three per cent. fund among the several counties of this State, in proportion to its population, for the purposes of internal improvement.

On motion of Mr Garner, *Resolved*, That the committee on inland navigation be instructed to take into consideration the propriety of passing a law for the protection of the Muscle Shoals Canal.

Mr McAlpin of M. introduced a bill to regulate sales at auction, in Mobile, which was read the first time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read the second



time and on motion of Mr McAlpin of M. referred to a select committee raised this morning on that subject.

On motion of Mr Ellis, *Resolved*, That the bank committee be instructed to enquire into the propriety of appointing commissioners for the purpose of settling the suspended debt due to the Bank of the State of Alabama and its several branches, who shall be invested with discretionary power to settle the same to the best interest of said bank and branches, and that said committee have leave to report by bill or otherwise.

Mr Slater introduced a bill to amend an act approved Dec. 23d 1836, concerning public roads; which was read the first time and ordered to a second reading. *Ordered*, that two thousand copies of the reports from the different banks heretofore referred to a select committee to arrange for publication be printed for the House.

Mr Crayton introduced a bill to change the name of a certain person therein named; which was read the first time and ordered to a second reading.

Mr Crenshaw introduced a bill relating to the statute of limitation and frauds, which was read the first time and ordered to a second reading.

On motion of Mr Rutherford, *Resolved*, That the committee on privileges and elections be instructed to enquire into the expediency of changing an election precinct from William Calverts on Ryans creek, to Captain Omuks muster ground on Simpsons creek, in Walker county.

Mr Godbold introduced a bill to amend the law now in force requiring freeholders as qualified jurors in cases of ejectment; which was read the first time and ordered to a second reading.

Mr Moore of Mad. offered the following preamble and resolution:

*WHEREAS*, The Branch of the Bank of the State of Alabama at Decatur, has not yet signified her intention of resuming specie payments on the first Monday in January 1839; *And whereas*, all the other banks in the State have determined to do so on that day, *Therefore be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the amount of notes now in circulation of the said branch bank of the State of Alabama at Decatur, shall be taken in payment of debts due or which may become hereafter due, and on special deposits by the Bank of the State of Alabama and its several branches, at Mobile, Montgomery and Huntsville, in amounts by each in proportion to their respective capitals, until the whole amount now in circulation of the branch at Decatur, be redeemed.

*And be it further resolved*, That the branch at Decatur shall not increase her present circulation for any purpose whatever, except it shall be in payments to individual depositors or for amounts due the other banks, until after the said branch bank at Decatur shall have resumed specie payments for her notes.

*And be it further resolved*, That the presidents and other officers of the State Bank, and the branches at Mobile, Montgomery and Huntsville be, and they are hereby required to adopt such plan as will effect the object contemplated in the foregoing resolutions.

The preamble and resolutions having been read, Mr Moore of Mad. moved to dispense with the constitutional rule requiring bills and joint resolutions to be read on three several days, and to give the preamble and resolutions a second reading forthwith. Mr Lipscomb moved to lay the preamble and resolutions on the table. The House then proceeded to the orders of the day and resumed the consideration of the preamble and joint resolutions heretofore offered by Mr Smith of M. the question being on their adoption.

Mr Sommers moved a call of the House which was sustained; when the following members answered and were present to wit:

Messrs Abercrombie Aldress Baldwin Baker Bates Bolling Booth Boston Burke Cook of L. Crawford Crayton Creagh Crenshaw Douglass Ellis Esselman Finley Grigsby Hammond Hampton Hancock Harris Harrison High Hilliard Hogg Holts Jones of B Jones of C Jones of P Kennedy Lipscomb Martin Morrow McAlpin of G McAlpin of M. McClagahan of M. McClannahan of S. McNight McMillion Moore of Mad. Murphy Payne Peters Phillips Philpot Porter Priest Rogau Searcy Shields Simmons Slater Smith of D. Smith of M. Sommers Taylor of F. Taylor of M. Walker Warren Weissinger Williams of J. Williams of T. Wilson Withers Wynn and Young.

Before the result of the call was announced by the chair, Mr Hilliard who voted the majority, moved a reconsideration of the vote on ordering a call of the House; which was carried. The question was then taken on ordering a call and lost. Mr Abercrombie in-

sisted that a call of the House had the effect of suspending the subject under consideration for one hour. Mr Speaker (Mr Porter in the chair) decided that under a reconsideration of the vote on ordering the call of the house; the subject under consideration when the call was ordered is now the subject under consideration. Mr Abercrombie appealed from the decision of the chair and the question being taken on sustaining the chair it was decided in the affirmative, Yeas 57, Nays 16.

The yeas and nays being required, those who voted in the affirmative are, Messrs. Andrew Baldwin Baker Bates Bolling Booth Burke Carmack Crawford Crayton Creagh Crenshaw Douglass Ellis Garner Hampton Hancock Harris Harrison Henderson Hogg Hollis Jones of C. Jones of P. Lipscomb Martin Mason McAlpin of G. McClanahan of S. McConnell McKnight McMillian Mills Morris Morrow Moore of M. Murphy Payne Peters Phillips Priest Rogan Searey Simmons Slater Smith of D. Sommers Taylor of F. Taylor of M. Walker Warren Weissinger Williams of T. Wilson Withers Wynn and Young.

Those who voted in the negative are messrs. Abercrombie Boston Cook of L. Esselman Finley Grigsby Hammond High Jones of B. Kennedy McAlpin of M. McClanahan of M. Moore of M. Shields Smith of M. and Williams of J.

Mr McAlpin of M. moved to suspend the further consideration of the preamble and resolutions until Monday next, at twelve o'clock, and that they be made the special order for that time which was carried. Mr Lipscomb moved to suspend the orders of the day for the purpose of introducing a bill which was carried.

Mr Lipscomb introduced a bill to provide for receiving and appropriating the two per cent. fund; which was read the first time and ordered to a second reading.

The engrossed bills to authorize the election of an assessor and collector for the counties therein named; to provide for the advertising of lands and negroes levied on by the sheriff of Dallas county; to authorize Levi Williams to erect mills on the Coosa river; to compensate Samuel Oliver, Daniel Colaway, Arthur Striping, Elizabeth Watron, Samuel Fagan, representatives of Lewis Pugh and Mary Harvy for provisions furnished General Moore's brigade and for the relief of Cassandra Kelly were severally read the third time and passed. *Ordered*, that their titles be as aforesaid and that the same be sent to the Senate for their concurrence.

The engrossed bill to divorce John Youngblood from his wife Eliza Jane Youngblood; was read the third time and passed by the constitutional majority. *Ordered*, that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

The engrossed bill to repeal in part the charter of the Tennessee road from Wetumpka to Syllauga, was read the third time and referred to a select committee, consisting of Messrs McConnell Morris and Martin.

The engrossed bill to amend the laws relating to absconding slaves; was read the third time and referred to a select committee consisting of Messrs. Moore of M., Martin and Booth. Mr Taylor of F. moved to suspend the orders of the day for the purpose of adding an additional member to the committee on roads, bridges and ferries; *Ordered*, that Mr Sommers be added to the committee on roads, bridges and ferries, and then the House adjourned till three o'clock P. M.

*Evening Session, Dec. 29.*—The engrossed bills, to divorce Elizabeth Dance from her husband Henry B. Dance; to divorce John P. Hall from his wife Mary Hall; to divorce Sarah Green from her husband William Green; to divorce Elizabeth Green from her husband John M. Green, were severally read the third time and passed by the constitutional majority.

The engrossed bill to authorize the Judge of the county court and commissioners of roads and revenue for the county of Sumter to levy a tax for the building of a court house in the town of Livingston of said county of Sumter, was read the third time and passed; *Ordered*, that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

The bill to change the time of holding the commissioners court for the county of Bibb, was read the second time and ordered to be engrossed for a third reading.

The bill to prohibit the driving of cattle of non-residents into the county of Coosa; was read a second time. Mr Morris moved to amend the bill by a proviso, which was carried. Mr Withers moved further to amend by adding an additional section. Mr Morris moved to lay the amendment on the table. Mr Lipscomb moved to postpone the further consideration of the bill and amendments until the first day of February next and the question being thereon it was decided in the affirmative.

The bill to establish a board of commissioners for the improvement of the navigation of the Paint Rock river and for other purposes thereunto connected; was read the second time and referred to the committee on inland navigation.

The bill to establish a board of commissioners for the improvement of the navigation of the Black Warrior river and for other purposes, was read the second time and on motion of Mr Earle referred to a select committee, consisting of the delegation from the counties of Jefferson, Walker, Blount and Tuscaloosa.

The bill to incorporate a common school fund bank of the State of Alabama and for other purposes; was read the second time and referred to the committee on the State Bank.

The bill to provide for the extension of certain debts therein named was read the second time and referred to the committee on the State Bank.

The bill to incorporate the Shelby Mining and Manufacturing Company was read the second time and referred to the committee on the judiciary.

The bill to repeal in part an act increasing the pay of Jurors so far as regards the county of Henry was read the second time and ordered to be engrossed for a third reading.

The bill to reduce the width of lanes on second and third grade roads in the county of Jackson was read the second time and referred to the committee of roads, bridges and ferries.

The bill for the improvement of Elk river was read the second time. Mr Priest moved its reference to the committee on inland navigation, which was lost. Mr High moved its reference to a select committee, consisting of the delegation from the counties of Limestone and Lauderdale, which was carried.

Mr Morris from the select committee to which was referred the bill to provide for an examination of the several circuit and county clerks offices in this State, reported the same back to the House with sundry amendments in which the House concurred. Mr Phillips moved to refer the bill to the committee on the judiciary, which was carried.

Mr Kennedy from the select committee to which was referred the petition of divers citizens of the county of Bibb on the subject of a road, reported a bill to establish a certain road therein designated which was read the first time and ordered to a second reading.

Mr Speaker laid before the House a communication from John B. Norris and Thomas (two of the commissioners appointed to examine the State Bank and branches) transmitting sundry documents in obedience to a resolution of the House adopted on the 26th instant, which was read and laid upon the table.

The bill to authorise the court of commissioners of revenue and roads in the county of Benton to levy a special tax and for other purposes, was read the second time and ordered to be engrossed for a third reading, and then the House adjourned till Monday at half past nine o'clock.

*Monday, December 31.*—Mr Hall presented the record and decree of the circuit court of Autauga county, divorcing Nancy Davis from her husband

Hezekiah Davis, which was read and referred to the committee on divorce and alimony.

Mr Clifton of C. presented the petition of sundry citizens of Cherokee county praying for the establishment of a road therein named which was read and referred to the committee on roads, bridges and ferries.

Mr Warren presented the petition of sundry citizens of Dale county, praying the discontinuance and establishment of election precincts therein named, which was read and referred to the committee on privileges and elections.

Accounts were presented by messrs. Phillips, Vining, Baldwin, Simmons and McConnel, which were severally read and referred to the committee on accounts.

Mr Garner presented the petition of sundry citizens of Limestone and Lauderdale counties, which was read, and on motion of Mr Garner, referred to a select committee, consisting of the delegation from Lauderdale and Limestone counties.

Mr Smith of m. presented the petition of sundry citizens of this State, praying for a change in the banking system of this State, which was read and referred to the committee on the State Bank.

Mr Lipscomb presented the petition of sundry citizens, praying for a charter for the Alabama Coal Mine and Insurance Company, which was read, and on motion of Mr Lipscomb, referred to a select committee; consisting of the delegation from the counties of Jefferson, Walker and Mobile.

A message was received from the Senate by Mr Childress, their assistant Secretary. Mr Speaker: The Senate has adopted the following resolution: *Resolved*, That with the concurrence of the House of representatives, the two houses will assemble on Monday the 31st inst. in the hall of the House, for the purpose of electing a Judge of the county court of Limestone county; in which resolution the House concurred. *Ordered*, That the Clerk acquaint the Senate therewith.

Mr Shortridge presented the memorial of Robert C. Cummings and Leonidas P. Spyker, praying for relief as therein shewn, which was read, and with the accompanying vouchers, referred to the committee on the State Bank.

Mr Taylor of F. from the committee on roads bridges and ferries, to which was referred the petition of James Young, praying for leave to open a road in Morgan county, reported that it is inexpedient to legislate on the subject. Mr Vining moved that the report lie on the table, which was lost. The question then recurred on concurring in the report, and was decided in the affirmative.

Mr Grigsby, from the committee on rail roads, to which was referred the petition of sundry citizens of Pike county, praying an appropriation for removing obstructions in Pea river, reported the same back to the House as an improper reference, and asked to be discharged from the further consideration of the same, in which the House concurred. The petition was then referred to the committee on inland navigation.

Mr Clifton of D. from the military committee, to which was referred a resolution for the amendment of the patrol laws, reported a bill to amend the patrol laws, which was read the first time and ordered to a second reading.

Mr McMillion, from the committee on enrolled bills, reported as correctly enrolled, an act to alter the time of holding the county courts in the county of Covington, and for other purposes therein specified; also, a joint memorial to the Congress of the United States, on the subject of Creek Indian depredations.

Mr Morris, from the committee on indian affairs, to which was referred the

certificate of Wm McGehee, in relation to the valuation of the horses of John G. Lewis and Franklin Septon, reported the same back to the house, and asked to be discharged from its further consideration. Mr Creagh moved that the certificate be recommitted, which was carried.

Mr Weissinger, from the committee on accounts of Nancy Whiteside, Daniel T. Doyle, Stephen Williams, Neal McCluskie, Elijah Moncreif, Wm. Sparks and Thomas C. Ballews, reported the same back to the house as improperly referred, and recommended their reference to the committee on indian affairs, in which the house concurred.

Mr Weissinger, from the same committee to which was referred divers accounts of John T. Prewit, J. H. Beavers, Samuel Stephens, William Loller, William Sparks, R. Sancee, Richard J. Harrison, William H. Alsobrook, and A. Sloan, reported the same back to the House as not properly authenticated, and asked to be discharged from their further consideration, in which the house concurred.

Mr Weissinger, from the same committee, reported the account of Joseph Lowry as unauthenticated. Mr McConnel moved that the report lie on the table, which was carried.

Mr Weissinger, from the same committee, reported the account of mark E. Moore, reported that it is inexpedient to allow the same.

Mr Morris moved that the report lie on the table, which was carried.

Mr Weissinger, from the same committee to which was referred the account of William Baker, reported the same as inexpedient to allow. Mr McClanahan of S. moved that the report lie on the table, which was carried.

Mr Weissinger, from the same committee, reported the account of Josiah Gentry as not sufficiently vouched for. Mr Finley moved that the report lie on the table, which was carried.

Mr Morris, from the committee on indian affairs, reported the account of David Baugh for a horse lost in the service of the United States, that the Congress of the United States had provided for the payment of such claims, in which the House concurred.

Mr Morris, from the same committee to which was referred the account of John S. Barnett, reported it inexpedient to allow the same. Mr Clifton of C. moved that the report lie on the table, which was carried.

Mr Morris, from the same committee to which was referred the account of Thomas T. Gammage, reported it inexpedient to allow the same. Mr Abercrombie moved that the House disagree to the report, which was carried. Yeas 55, Nays 31.

The yeas and nays being desired those who voted in the affirmative are Messrs Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Boston Burke Clifton of D Cook of L. Crawford Crayton Creagh Crenshaw Earle Ellis Esselman Garner Godbold Golding Grigsby Hall Hampton Henderson High Hilliard Hogg Jones of B. Jones of P. Lindsey Lipscomb McAllister McAlphin of G. McAlpin of m. McConnel Memillian mills Mitchell Moore of mad. moore of mor. moore of W. murphey Payne Phillips Peters Porter Rutherford Shortridge Slater Smith of D Tarver Vining Withers Wright and Young.

Those who voted in the negative are, Messrs Boothe Carmack Clifton of C. Douglass Finley Hammond Harris Harrison Jones of C Kennedy Martin Mason McClanahan of m. McClanahan of S. McKnight morris morrow Philpot Priest Searcy Simmons Smith of m. Sommers Taylor of F. Taylor of M. Warren Weissinger Williams of J. Williams of T. Wilson and Wynn.

The account was then referred to a select committee, consisting of Messrs Abercrombie, Burke and Payne.

Mr Phillips, from the committee on divorce and alimony, to which was referred sundry records and decrees of the circuit courts exercising chancery jurisdiction, divorces, &c. reported the following bills, to wit: A bill to divorce William Logan from his wife Mary Logan; a bill to divorce Hiram Elam from his wife Celia Elam; a bill to divorce Early A. Brown from his wife Elizabeth

Brown; a bill to divorce Eliza McLaughlin from her husband Peter McLaughlin; a bill to divorce Sarah Hamon from her husband Joel Hamon; a bill to divorce Henrietta M. Montague from her husband Joseph H. Montague; a bill to divorce Mary Clarke from her husband Elijah Clarke; a bill to divorce John White from his wife Eliza White; a bill to divorce Eliza Crawford for her husband Stephen Crawford; and a bill to divorce Harriet Freel from her husband John S. Freel, which were severally read the first time and ordered to a second reading.

Mr Phillips, from the same committee to which was referred the record and proceedings of the circuit court of Autauga county, exercising chancery jurisdiction, divorcing Silas G. Jones from his wife Nancy Jones, reported that on account of material defects and irregularities in the record of said case, the decree ought not to receive the sanction of the general assembly, which report was concurred in.

Mr Creagh, who voted with the majority, moved a reconsideration of the vote taken on concurring in the report of the committee on indian affairs, on the account of David Baugh, which was carried. The account was then recommitted to the committee on indian affairs.

Mr Morris, who voted with the majority, moved a reconsideration of the vote taken on the report of the committee on accounts, on the account of John T. Prewit, which was carried. The account was then recommitted to the committee on accounts.

Mr McAlpin of G. from the select committee to which the subject was referred, reported a bill to incorporate the town of Clinton, in the county of Green, which was read the first time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith and ordered to be engrossed for a third reading on to-morrow.

Mr Earle, from the committee on inland navigation, to whom was referred a bill to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes, made the following report: The committee to which was referred a bill to establish a board of commissioners for the improvement of the Black Warrior river, have had the same under consideration, and instructed me to report the same back to the House with sundry amendments, and recommend its passage; which said sundry amendments were severally concurred in. The bill was then read the second time and ordered to be engrossed for a third reading.

Mr Burke, from the select committee to which was referred the petition of sundry citizens of Wilcox and Perry counties, reported a bill to incorporate the Prairie Bluff, Woodville and Greensborough Rail Road Company, which was read the first time and ordered to a second reading on to-morrow.

Mr Phillips, from the select joint committee to whom was referred a resolution to take into consideration the subject of permanently establishing the boundary line between this State and the State of Georgia, have according to order had the same under consideration, and have instructed me to report the following joint resolution and recommend its passage: *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor be, and he is hereby required to appoint three suitable persons, one of whom shall be a practical surveyor, whose duty it shall be as early as convenient, to ascertain and mark the boundary line between the State of Georgia and this State, according to the terms of the compact between the United States and the State of Georgia, entered into the 24th April, 1802, which was read a first time and ordered to a second reading on to-morrow.

Mr Martin, from the select committee, made the following report: The select committee to whom was referred the bill to be entitled an act to change the time of holding the county courts of Benton county, have had the same under consideration, and have instructed me to report the same without amendment, and recommend its passage, which was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Priest introduced a bill to be entitled an act to change the mode of bringing suits on bills of exchange, by the Bank of the State of Alabama and its several Branches, which was read a first time, and the constitutional rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the committee on the State Bank.

The House took up the resolution heretofore offered by Mr Bolling, and the amendment offered by Mr Morris. Mr McAlpin moved to strike out of the amendment the words 'several of'. Mr Lindsey moved a reference of the resolution to the committee on the State Bank. Mr Shields moved to amend the motion of Mr Lindsey by adding 'with instructions to inquire into the extent of the ability of the State Bank. and each of the Branches thereof to resume and maintain specie payments, and report the facts in relation to the same, to the House, at as early a period as practicable.' Mr Hilliard moved to postpone the further consideration of the subject until the first day of February next.

*Ordered*, That the Senate be now invited into the Hall of the House for the purpose of electing a Judge of the county court of Limestone county.

The Senators then repaired to the Hall of the House of Representatives, and were seated.

The two Houses then proceeded to the election of a Judge of the county court of Limestone county, Frederick B. Nelson alone being in nomination.

Those who voted for Mr Nelson are messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Henderson Hudson King Lee McClellan Lloyd McVay Mays Ross Rice Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous and Wilson of the Senate, and messrs Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Boston Carnack Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Grigshy Hall Hammond hampton Hancock Harris Harrison Henderson High Hilliard Hogg Jones of B. Jones of C. Kennedy Lipscomb Martin mason McAllister McAlpin of G. McAlpin of M. McClanahan of m. McClanahan of S. McConnell McKnight McMillion Mills Mitchell Morris Morrow Moore of mad. Moore of mar. Moore of W. Murphy Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D. Smith of m. Sommers Tarver Taylor of F. Taylor of m. Vining Walker Warren Weissenger Williams of J. Williams of T. Wilson Withers Wright Wynn and Young of the House of Representatives.

Mr Nelson having received the whole number of votes given, Mr Speaker declared him duly elected Judge of the county court of Limestone county. The Senators then withdrew.

Mr McClanahan of S. moved to take from the table the report of the committee on the account of William Baker, which was carried. The report was then recommitted to the committee on accounts.

The House then proceeded to the orders of the day, and resumed the consideration of the preamble and joint resolutions heretofore offered by Mr Smith of m. the question being on their adoption.

And then the House adjourned till 4 o'clock P. M.

*Evening Session, Monday, Dec. 31.*—The House resumed the consideration of the preamble and joint resolutions heretofore offered by Mr Smith of m. the question being on their adoption. Mr Payne moved to postpone the further consideration of the preamble and joint resolutions, till to-morrow 12 o'clock, and that they be made the special order of the day for that time, and the question being taken thereon, it was decided in the negative. Mr Hammond moved the previous question. Mr Shields moved a call of the House, which was



lost. *Mr Wynn* moved that the House adjourn till to-morrow at half past 9 o'clock, and the question being taken thereon, it was decided in the negative. — Yeas 28, Nays 58.

The yeas and nays being desired, those who voted in the affirmative are Messrs Blassengame Cook of L. Creagh Finley Golding Hall High Hogg Jones of C. Lipscomb martin mason m'Alister McKnight McMillion Moore of mar. Payne Shields Shortridge Smith of m. Sommers Vining Weissinger Williams of J. Williams of T. and Wilson.

Those who voted in the negative are messrs Speaker Abercrombie Andress Baldwin Baker Bates Booth Boston Burke Carmack Clifton of C. Clifton D. Crawford Crayton Crenshaw Douglass Earle Ellis Esselman Garner Godbold Grigsby Hammond Hampton Harris Harrison Henderson Hillard Hollis Jones of B. Jones of P. Kennedy Lindsey McAlpin of G. McAlpin of m. McClannahan of m. McClannahan of S. Mills Mitchell morris Morrow moore of mad. moore of W. murphey Peters Porter Phillips Priest Rogan Rutherford Simmons Slater Tarver Taylor of F. Taylor of m. Walker Warren Wright and Young.

The question then recurred on the motion of *Mr Hammond* for the previous question and lost. Yeas 41—Nays 46.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker Bates Blassengame Booth Burke Clifton of C. Crenshaw Ellis Esselman Garner Goding Grigsby Hall Hammond Hampton Harris Harrison Henderson Hollis Jones of B. Jones of P. Kennedy Lindsey McAlpin of G. m. McClannahan of m. McClannahan of S. mills mitchell Morrow murphy Peters Philpot Priest Simmons Tarver Taylor of F. Taylor of m. Walker Warren Wright and Young.

Those who voted in the negative are messrs Speaker Abercrombie Andress Boston Carmack Cook of L. Crawford Crayton Creagh Douglass Earle Finley Godbold Hancock High Hilliard Hogg Jones of C. Lipscomb martin mason McAllister McAlpin of m. McKnight memillion morris moore of mad. moore of mar. Moore of W. Payne Phillips Porter Rogan Rutherford Shields Shortridge Slater Smith of m. Sommers Vining Weissinger Williams of J. Williams of T. Wilson Withers and Wynn.

*Mr Abercrombie* moved to lay the preamble and resolutions on the table, and the question being taken thereon, it was decided in the negative.

*Mr McAlpin of G.* moved that the house do now adjourn till to-morrow at half past 9 o'clock, which was carried.

*Tuesday, Jan. 1.*—Accounts were presented by messrs. Booth and Payne, which were severally read and referred.

*Mr Booth* presented the petition of sundry citizens, praying for an appropriation to remove obstructions in the Pea river, which was read and referred to the committee on inland navigation.

*Mr Burke* presented the petition of Lemuel Pounders and others, praying for relief as therein shewn, which was read and referred to the committee on lands appropriated for internal improvement.

*Mr Bates* presented the petition of sundry citizens of Greene county, praying for the adoption by the State of a system of internal improvement which was read and referred to the committee on internal improvement.

*Mr Smith of M.* presented the petition of sundry citizens of Madison county, praying for an increase of the commissions now allowed to constables, which was read and referred to the committee on the judiciary.

*Mr Golding* presented the petition of sundry citizens of Marshall county, praying for the establishment of an election precinct, which was read and referred to the committee on privileges and elections.

*Mr Lipscomb* presented the petition of the fire wardens of the city of Mobile, which was read and referred to a select committee, composed of the delegation from Mobile county.

*Mr Payne* presented the petition of sundry citizens of Livingston, praying for a charter for an engine company, which was read and referred to a select committee, consisting of Messrs Payne, Baker and Wynn.

*Mr Taylor of F.* from the committee on roads, bridges and ferries to which was referred a bill reducing the width of lanes in certain counties therein named, reported the same back to the House with sundry amendments as therein shewn, in which the House concurred. *Mr Mitchell* moved to amend the bill by ad-

ding, after the word "Alabama" the word "Tuscaloosa" which was carried. Mr Baker moved further to amend by adding, after the word Tuscaloosa, the word Franklin. Mr Morris moved to lay the bill and amendments on the table, which was lost. The amendment of Mr Baker was then concurred in. Mr Clifton of C. moved further to amend by inserting after Franklin, the word Cherokee, which was carried; Mr McAlpin of G. moved further to amend by inserting after Cherokee, the word Greene, which was carried; Mr Hammond moved to add after Greene, the word St. Clair, which was carried; Mr Peters moved further to amend by inserting after St. Clair, the word Shelby, which was carried; Mr Martin moved further to amend by inserting after Shelby, the word Benton, which was carried; Mr Wright moved further to amend by inserting after Benton, the word Perry, which was carried; Mr Earle moved further to amend by inserting after Perry, the word Jefferson, which was carried. Mr McAlpin of G. moved to refer the bill to the committee on roads, bridges and ferries, which was lost; Mr Warren moved to amend the bill by inserting after the word Jefferson, the word Dale, which was carried; Mr Baldwin moved to amend further by inserting after the word Dale, the word Montgomery which was carried. Mr Grigsby moved to refer the bill to a select committee, which was carried; whereupon messrs Grigsby, Baker and Mason were appointed said committee.

Mr Andress from the committee on propositions and grievances, to which was referred the petition of Richard Cole and Thompson Berry, reported a bill for the relief of the purchasers of the 16th section of township 16, of range 10 west, in the county of Fayette, which was read the first time and ordered to a second reading.

Mr Baker from the committee on inland navigation, to which was referred a resolution inquiring into the expediency of appropriating the balance of the interest that has accrued on the Tennessee canal fund, reported a bill to amend an act, approved, December 25th 1837, to appropriate the balance of the interest arising from the canal fund, which has, or may be hereafter deposited in the Bank of this State, or either of its Branches, which was read the first time and ordered to a second reading.

Mr Finley from the committee on inland navigation, to which was referred a bill to establish a board of commissioners for the improvement of the navigation of the Paint Rock river, and for other purposes thereunto connected, reported the same with sundry amendments in which the House concurred.

Mr Baker moved to lay the bill on the table; which was lost. The bill as amended was then ordered to be engrossed for a third reading.

Mr Kennedy from the committee on the judiciary, to which was referred a bill to authorise an election of a justice of the peace and constable in the town of Maplesville, in the county of Bibb, reported the same back to the House without amendment. The bill was then ordered to be engrossed for a third reading.

Mr Morris from the committee on the Judiciary, to which was referred the engrossed bill to consolidate and amend the laws in relation to county Treasurers, reported the same back to the House with sundry amendments as therein shewn, in which the House concurred. The bill as amended was read the third time and passed—*ordered* that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Bolling from the same committee, to which was referred a bill to repeal in part, an act now in force, confining the collection of debts before a justice of the peace, in the beat when the defendant resides or where the contract was

made and for other purposes, reported the same back to the House and recommended its passage; the bill was then read the second time, ordered to be engrossed for a third reading.

A message was received from the Senate by Mr Withers, their Secretary, Mr Speaker, the Senate have passed a bill to incorporate the town of Syllacogga in Talladega county, in which they ask the concurrence of the House of Representatives.

The bill from the Senate to incorporate the town of Syllacogga in Talladega county, was read the first time and ordered to a second reading.

Mr Carmack from the committee on inland navigation, to which was referred a resolution instructing them to take into consideration the propriety of passing a law for the protection of the muscle shoals canal, reported a bill for the punishment of offences for depredations committed on the muscle shoals canal, which was read the first time and referred to the committee on the judiciary.

Mr Weissinger from the committee on accounts, to which was referred the account and accompanying documents of A. A. Dexter, reported them back to the House, as improperly referred, and recommended their reference to the committee on internal improvement in which the House concurred.

Mr Moore of mad. from the select committee, to which was referred the engrossed bill to amend the laws relating to absconding slaves, reported the same back with an amendment as therein shewn, in which the House concurred. Mr Philpot moved to amend the bill by way of engrossed rider an additional section number three, which was carried. The bill as amended was then read a third time and passed—*ordered* that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr McAlpin of m. from the select committee to which was referred a bill to regulate sales at Auction in Mobile, and also the petition of sundry citizens on that subject, reported the bill back to the House with sundry amendments. Mr Clifton of D. moved to postpone the further consideration of the bill and amendments, till the first day of February next, and the question being taken thereon, it was decided in the affirmative.

Mr Finley from the select committee, to which was referred the petition of sundry citizens of the town of Bellefonte in the county of Jackson, reported a bill to exempt in part, the citizens living in the corporate limits of the town of Bellefonte in the county of Jackson, from working on public roads, which was read the first time and ordered to a second reading.

Mr High from the select committee, to which was referred the bill for the improvement of the navigation of Elk river, reported the same back to the House with sundry amendments, in which the House concurred; the bill was then read the second time and ordered to be engrossed.

Mr Grigsby from the select committee to which was referred a bill to incorporate the medical society of South Alabama, reported the same back to the House without amendment; the bill was then read the second time and ordered to be engrossed for a third reading.

Mr Morris from the select committee, to which was referred the engrossed bill to repeal in part, the charter of the turnpike road from Wetumpka to Syllacogga reported the same back to the House with an amendment in which the House concurred, the bill as amended was read the third time and passed—*ordered* that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Warren from the select committee, to which was referred the bill to form

a certain county therein named and for other purposes, reported the same back to the House with sundry amendments.

Mr Booth moved to amend the amendment by an additional section. Mr Warren moved to lay the amendment to the amendment on the table. Mr Carmack moved to lay the bill and amendments on the table which was carried.

Mr Grigsby from the select committee, to which was referred the petition of sundry citizens of Dallas and Perry counties praying an amendment to the charter of the Cahawba and marion rail road, so as to extend said road to the town of Greensborough in Greene county, reported a bill to amend the charter of the Cahawba and marion Rail Road Company, which was read the first time and ordered to a second reading.

Mr Shields from the committee on education, to which was referred the bill for the benefit of the sixteenth sections in this State, reported the same with sundry amendments, in which the house concurred. Mr Baker moved that the further consideration of the bill as amended, be postponed till Thursday next, at 3 o'clock P. M. and that it be made the special order of the day for that time and that one hundred copies thereof be printed, which was carried.

The House then proceeded to the orders of the day and resumed the consideration of the preamble and joint resolutions offered by Mr Smith of mad; the question being on their adoption. Mr Payne moved to amend the resolutions by adding the following:

**RESOLVED**, That taxes and duties ought not to be levied and collected by the General Government to raise money to be lent out to the keepers thereof, whether public officers or Banks, to speculators or any other class of citizens whatsoever; and that the amount raised should be barely sufficient to defray the expenses of an economical administration of the Government and should be kept to be applied to that object and no other.

**RESOLVED**, That the General Government has no right to use the money of the people for Banking purposes and consequently any attempt on the part of Congress by the means of a Bank charter, or any or legislative enactment to delegate such power to others will as heretofore meet with the unceasing opposition of the Democratic and State Rights' Party of this State.

**RESOLVED**, That we deprecate the evils resulting from the action of the Government in the creation of Bank monopolies, not authorised by the constitution; the effect of which has been to divert the commerce of the South from its direct and natural channel to its present circuitous route.

**RESOLVED**, That a direct trade with Europe is of vital importance to Alabama..

**RESOLVED**, That the present administration of the General Government by promoting the interests of the South and guarding our institutions has won our admiration and secured our support; and that we deeply deplore the course of such Southern statesmen as by acting in concert with its opponents, are aiding to place those in power who are adverse to the rights and interests of the South and the great principles of the Democratic Republican Party, as illustrated in the political life and writings of Thomas Jefferson.

And then the House adjourned till half past 3 o'clock, P. M.

*Evening Session, January, 1.*—The House resumed the consideration of the preamble and joint resolutions offered by Mr Smith, of M. and the amendment offered by Mr Payne. Mr Harrison moved to suspend the subject, and the orders of the day for the purpose of offering an amendment to one of the rules which was carried. Mr Harrison then offered the following amendment to rule 22. The previous question which shall not be debatable; shall be submitted in the following form—shall the main question be now put, and if carried affirmatively shall preclude amendments and further debate of the main question and in all cases, unless otherwise ordered by the House, the amendment or amendments cut off by the previous question shall be placed upon the journal of the House without motion, which lies over one day for consideration.

The resolutions of mr Smith of m. and the amendment offered by mr Hayne, being under consideration, mr Baldwin moved to lay the amendment on the table; mr Earle moved to postpone the further consideration of the resolutions and amendments until to-morrow 12 o'clock, and that they be made the special order of the day for that time; mr Burke moved to postpone the resolutions and amendments indefinitely, and the question being taken thereon, it was decided in the negative; yeas 37, nays 47. The yeas and nays being desired.

Those who voted in the affirmative are Messrs. Abercrombie Address Baldwin Baker Bates Blassingame Bolling Burke Clifton of D. Crawford Crayton Crenshaw Earle Ellis Esselman Garner Grigsby Hampton Henderson Hilliard Jones of B. Jones of P. Kennedy McAlpin of G. McClanahan of S. Mitchell Moore of W. Peters Phillips Porter Priest Rutherford Simmons Walker Williams of T. Wright and Young.

Those who voted in the negative are Messrs Speaker Booth Boston Carmack Clifton of C. Cook of L. Creagh Douglass Finley Golding Hall Hammond Hancock Harris Harrison Hogg Hollis Jones of C. Mason McAlister McAlpin of m. McClanahan of m. McConnell McKnight McMillion Morris Morrow Murphey Payne Philpot Rogan Searcy Shields Shortridge Slater Smith of D. Smith of m. Taylor of F. Taylor of m. Vining Warren Weissinger Williams of J. Wilson and Wynn.

The question was then taken on the motion of mr Earle to postpone till to-morrow, and decided in the negative, yeas 26, nays 59. The yeas and nays being desired.

Those who voted in the affirmative are Messrs Speaker Abercrombie Bolling Burke Carmack Creagh Earle Finley Harrison Hilliard Mason McAlister McAlpin of m. McClanahan of S. McMillion Moore of mar. Payne Searcy Shields Shortridge Smith of m. Sommers Vining Weissinger Wilson Wynn and Young.

Those who voted in the negative are Messrs Address Baldwin Baker Bates Blassingame Booth Boston Clifton of C. Clifton of D. Cook of L. Crawford Crayton Crenshaw Douglass Ellis Esselman Garner Golding Grigsby Hall Hammond Hampton Hancock Harris Henderson Hogg Hollis Jones of B. Jones of C. Kennedy McAlpin of G. McClanahan of m. McConnell McKnight Mitchell Morris Morrow Moore of W. Murphy Peters Phillips Philpot Porter Priest Rogan Rutherford Simmons Slater Smith of D. Taylor of F. Taylor of m. Walker Warren Williams of J. Williams of T. Withers and Wright.

The question then recurred on the motion of mr Baldwin, to lay the amendment on the table, mr Baker moved that the House adjourn till to-morrow at half past 9 o'clock, which was lost, yeas 12, nays 73. The yeas and nays being desired.

Those who voted in the affirmative are Messrs Speaker Baker Blassingame Creagh Findley Garner Moore of Mar. Priest Searcy Shortridge Sommers and Withers.

Those who voted in the negative, are Messrs Abercrombie Address Baldwin Bates Bolling Booth Boston Burke Carmack Clifton of C. Clifton of D. Cook of L. Crawford Crayton Crenshaw Douglass Ellis Esselman Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson Hilliard Hogg Hollis Jones of B. Jones of C. Jones of P. Kennedy Mason McAlister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of S. McConnell McKnight McMillion Mitchell Morris Morrow Moore of W. Murphy Payne Peters Phillips Philpot Porter Rogan Rutherford Shields Simmons Slater Smith of D. Smith of m. Taylor of F. Taylor of m. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Wright Wynn and Young.

The motion of mr Baldwin to lay the amendment offered by mr Payne on the table being under consideration, mr McClanahan of m. moved to adjourn till to-morrow at half past 9 o'clock, which was lost; yeas 35, nays 53. The yeas and nays being desired.

Those who voted in the negative are, messrs. Speaker Baker Blassingame Bolling Clifton of D. Cook of L. Earle Finley Garner Golding Grigsby Hancock High Hilliard Hogg Jones of B. Jones of P. Kennedy Lipscomb Martin Mason McAlister McClanahan of m. McConnell McMillian Mills Moore of mad. Moore of mar. Peters Phillips Priest Rutherford Searcy Shortridge Sommers Vining Withers and Young.

Those who voted in the negative are, messrs. Abercrombie Address Baldwin Bates Booth Boston Burke Carmack Clifton of C. Crawford Crayton Creagh Crenshaw Douglass Ellis Esselman Godbold Hall Hamond Hampton Harris Harrison Henderson Hollis Jones of C. McAlpin of G. McAlpin of m. McClanahan of s. McKnight Mitchell Morris Morrow Moore W. Murphey Payne Philpot Porter Rogan Shields Simmons Slater Smith of D. Smith of m. Taylor of F. Talor of m. Walker Warren Weissinger Williams of J. Williams of T. Wilson Wright and Wynn.

The motion of mr Baldwin being under consideration, mr Hilliard moved that the House adjourn till to-morrow a half past nine o'clock, which was lost. The motion of mr Baldwin being still under consideration, mr Moore of mar.

moved that the House adjourn till to-morrow at half past nine o'clock; which was lost. The motion of Mr Baldwin to lay the amendment offered by Mr Payne on the table being still under consideration, the question was taken thereon, and decided in the negative.—yeas 21, nays 70.

Those who voted in the affirmative are, Messrs. Abercrombie, Andress, Baldwin, Bates, Bolling, Burke Clifton of D. Crawford, Crayton, Ellis Esselman, Grigsby, Hilliard, Jones of P. Kennedy, Mitchell, Moore of W. Peters, Porter, Williams of T. and Wright.

Those who voted in the negative are, messrs Speaker, Baker Blassingame, Booth, Boston, Carmack, Clifton of C. Cook of L. Creagh, Crenshaw, Douglass, Earle, Finley, Garner, Godbold, Golding, Hall Hammond, Hampton, Hancock Harris, Harrison, Henderson, High, Hogg Hollis, Jones of B. Jones of C. Lipscomb, Martin Mason McAlister, McAlpin of G. McAlpin of M. McClanahan of m. McClanahan of S. McConnell McKnight, McMillon, Mills, Morris Morrow, Moore of mad. Moore of mar. Murphy Payne Phillips, Philpot, Priest, Rogan, Rutherford, Searcy, Shields Shortridge, Simmons Slater Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Walker, Warren, Weissinger, Williams of J. Wilson, Withers, Wynn and Young.

Mr Henderson moved that the House adjourn till half past nine o'clock to-morrow; which was lost. The amendments offered by Mr Payne were then accepted by Mr Smith of m. as a part of his resolutions. Mr Moore of mar. offered sundry resolutions by way of amendment. Mr McAlpin of G. offered an amendment, which was read. Mr Hilliard moved to postpone the further consideration of the amendment till the first day of February next; and the question being taken thereon, it was decided in the affirmative. Mr Grigsby moved to amend with sundry resolutions. Mr Peters moved that the House adjourn till to-morrow at half past nine o'clock; which was lost. Mr Phillips offered the following as an amendment to the amendment offered by Mr Grigsby: *“And be it further resolved, That the Congress of the United States ought to pass no law to prohibit the receipt of the bills of solvent specie paying banks in payment of the public lands; which was accepted by Mr Grigsby. Mr Martin moved to postpone the further consideration of the amendment as amended, till the first day of February next, and the question being taken thereon, it was decided in the affirmative.—Yeas 54, Nays 35.*

The yeas and nays being desired those who voted in the affirmative are, messrs Booth Boston Carmack Clifton of C. Cook of L. Crayton Creagh Douglass Finley Godbold Golding Hall Hammond Hancock Harris Harrison High Hogg Hollis Jones of C. Lindsay Lipscomb Martin Mason McAlister McAlpin of m. McConnell McKnight McMillon Mills Morris Morrow Moore of mad. Murphy Philpot Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Warren Williams of J. Wilson Withers and Wynn.

Those who voted in the negative are, messrs Speaker Abercrombie Andress Baldwin Baker Bates Bolling Burke Clifton of D. Crenshaw Earle Ellis Esselman Garner Grigsby Hampton Hilliard Jones of B. Jones of P. Kennedy McAlpin of G. McClanahan of S. Mitchell Moore of mar. Moore of W. Payne Peters Phillips Porter Walker Weissinger Williams of T. Wright and Young.

Mr Finley moved that the House adjourn till to-morrow at half past nine o'clock; which was lost. Mr Weissinger offered a preamble and sundry resolutions as a substitute for the preamble and resolutions under consideration.

And then the House adjourned till to-morrow at half past nine o'clock.

*Wednesday, January 2d, 1839.*—Accounts were presented by messrs Hall and Booth, which were severally read and referred.

Mr Phillips presented the petition of sundry citizens of Dallas county praying for legislative enactment in relation to the judiciary; which was read and referred to the committee on the judiciary.

Mr Garner presented the petition of James Jackson praying for legislative enactment as therein shewn; which was read and referred to the committee on the judiciary.

Mr Mills presented the petition of sundry citizens praying for the abolition of the retail of spirituous liquors; which was read and referred to the committee on propositions and grievances.

Mr Andress from the committee on propositions and grievances, to which was referred the petition of Golden Harper, signed by many petitioners, re-

ported a bill for the relief of Golden Harper; which was read the first time and ordered to a second reading.

Mr Crenshaw from the committee on the judiciary, to which was referred the bill to provide for the establishment and organization of a separate court of chancery, reported the same with an amendment and recommended its passage; in which the House concurred. Mr Hall moved to amend the bill, by striking out 'Columbiana,' where it occurs for the purpose of inserting 'Kingston.' Mr Williams of T. moved to postpone the further consideration of the bill and amendments until Monday next, and that they be made the special order of the day for that time. Mr Earle moved to postpone the further consideration of the bill until the 1st day of February next, and the question having been taken, it was decided in the negative. Yeas 24, nays 66.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Burke Carmack Douglass Earle Finley Golding Hammond Jones of B. Jones of C. Mason McClanahan of m. McMillion Moore of W. Philpot Rogan Rutherford Simmons Taylor of F. Taylor of m. Warren Williams of J. Wilson and Wynn.

Those who voted in the negative are, messrs Speaker Abercrombie Andress Baldwin Baker Bates Blas-singame Bolling Booth Boston Clifton of C. Clifton of D. Cook of L. Crayton Creagh Crenshaw Ellis Esselman Garner Godbold Grigsby Hall Hampton Harris Harrison Henderson Hilliard Hogg Hollis Jones of P. Kennedy Lindsey Lipscomb Martin McAlister McAlpin of m. McClanahan of S. McConnell McKnight Mills Mitchell Morris Morrow Moore of mad. Moore of mar. Murphy Nelly Payne Peters Philips Porter Searcy Shields Shortridge Slater Smith of D. Smith of m. Sommers Tarver Vining Walker Weissinger Williams of T. Withers Wright and Young.

The question then recurred on the motion of Mr Williams of T. and was carried. On motion of Mr Phillips ordered that 130 copies of the bill be printed.

Mr Porter from the same committee, to which was referred a resolution instructing them to consider the propriety of restricting the powers of justices of the peace, to bail in certain cases, reported a bill to regulate bail in criminal cases; which was read the first time and ordered to a second reading.

Mr Porter from the same committee, to which was referred a bill for the revision of the penal code of the State of Alabama, reported a bill in lieu thereof to establish a State prison and penitentiary. Mr Martin moved to postpone the further consideration of the bill until Monday next, that the same be made the special order of the day for that time, and that 130 copies of the same be printed. Mr Taylor of F. moved to postpone the bill until the 1st day of February next; and the question having been taken thereon, it was decided in the negative. Yeas 25, nays 66.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie Blas-singame Cook of L. Crayton Creagh Crenshaw Earle Esselman Hammond Hogg Hollis Jones of B. Kennedy McAlister McAlpin of m. McKnight Moore of W. Murphy Nelly Peters Simmons Taylor of F. Warren and Wright.

Those who voted in the negative are, messrs Speaker Andress Baldwin Baker Bates Bolling Booth Boston Burke Carmack Clifton of C. Clifton of D. Crawbold Douglass Ellis Finley Garner Godbold Golding Grigsby Hall Hampton Hancock Harris Harrison Henderson Hogg Hilliard Jones of P. Lindsey Lipscomb Martin Mason McClanahan of m. McClanahan of S. McConnell McMillion Mills Mitchell Morris Moore of mad. Moore of mar. Payne Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Slater Smith of D. Smith of m. Tarver Taylor of m. Vining Walker Weissinger Williams of J. Williams of T. Withers Wynn and Young.

The question then recurred on the motion of Mr Martin and carried.

A message was received from the Senate by Mr Withers their Secretary—  
Mr Speaker: the Senate has passed a bill to authorize the Commissioners of roads and revenue for the county of Pickens to fill a vacancy and for other purposes; in which they ask the concurrence of the House of Representatives.

The bill from the Senate to authorize the commissioners count of roads and revenue for the county of Pickens to fill a vacancy and for other purposes, was read the first time; and the constitutional rule requiring bills to be read on three



several days having been dispensed with, the bill was read a second time forthwith; and the constitutional rule requiring bills to be read on three several days having been further dispensed with, the bill was read the third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Young from the select committee to which was referred the memorial of the trustees of the Lagrange College, reported a bill for the encouragement of Education; which was read the first time; and the constitutional rule requiring bills to be read on three several days having been dispensed with, the bill was read a second time, and referred to the committee on education.

Mr Payne from the select committee to which was referred the petition of sundry citizens of Livingston, asking the incorporation of a fire company, reported a bill to incorporate the Livingston fire engine company; which was read the first time and ordered to a second reading.

Mr Abercrombie from the select committee to which was referred the account of Thomas T. Gamage, reported a bill for the relief of Thomas T. Gamage; which was read the first time and ordered to a second reading.

Mr Grigsby from the select committee to which was referred a petition of the Medical students of Transylvania University, praying the establishment of a Medical college in this State, reported it back to the *House*, and recommended its reference to the president and professors of the University; in which the *House* concurred.

Mr Abercrombie presented the account of Thomas S. Woodward; which was read and referred to the committee on Indian affairs.

Mr Harrison called called up the amendment offered by him on yesterday to the 22d rule of the *House*. Mr Payne moved to lay the proposed amendment on the table, and the question having been taken thereon, it was decided in the negative. Yeas 26, nays 66.

The yeas and nays being desired those who voted in the affirmative are, messrs. Speaker Bates Blassingame Earle Finley Hancock Jones of B. Kennedy Lipscomb Martin McAlpin of G. McAlpin of m. McClanahan of S. McKnight McMillion Moore of mad. Payne Peters Porter Priest Searcy Smith of m. Weissinger and Young.

Those who voted in the negative are, messrs. Abercrombie Andrews Baldwin Baker Bolling Booth Boston Burke Carmack Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Ellis Esselman Garner Godbold Golding Grigsby Hall Hammond Hampton Harris Harrison Henderson High Hilliard Hogg Hollis Jones of c. Jones of P. Mason McAllister McConnell Mills Morris Morrow Moore of mad. Moore of W. Murphy Nelly Phillips Philpot Rogan Rutherford Shortridge Simmons Slater Smith of D. Sommers Tarver Taylor of m. Vining Walker Warren Williams of J. Williams of T. Wilson Withers Wright and Wynn.

Mr Hilliard moved to amend the amendment by inserting the word "now," between the words "be" and "put," which was accepted by Mr Harrison. Mr Phillips moved to amend by inserting after the word "affirmatively" the words "by a plurality of the members;" which was accepted by Mr Harrison. Mr Kennedy moved to strike out 'plurality' for the purpose of inserting in lieu thereof 'four-fifths.' Mr Baker moved the previous question which was sustained. The main question being on the adoption of the amendment, was decided in the affirmative. Yeas 60, nays 30.

The yeas and nays being desired those who voted in the affirmative are, messrs. Abercrombie Baldwin Baker Bolling Booth Boston Burke Carmack Clifton of c. Clifton of D. Crawford Crayton Crenshaw Douglass Ellis Esselman Garner Godbold Golding Grigsby Hall Hammond Hampton Harris Harrison Henderson Hilliard Hollis Jones of c. Mason McAlister McConnell Mills Morris Morrow Moore of mad. Moore of w. Murphy Phillips Philpot Rogan Rutherford Shields Shortridge Simmons Slater Smith of D. Sommers Tarver Taylor of F Taylor of m. Vining Walker Warren Williams of J. Williams of T. Wilson Withers Wright and Wynn.

Those who voted in the negative are messrs. Speaker Andrews Bates Blassingame Creagh Earle Finley Jones of B. Jones of P. Kennedy Lindsey Lipscomb Martin McAlpin of G. McAlpin of m. McClanahan of m. McClannahan of s. McKnight McMillion Mitchell Moore of mar. Niely Payne Porter Priest Searcy Smith of m. Weissinger and Young.

A message was received from his excellency the Governor by Mr Gooch, his private secretary—*Mr Speaker: His excellency the Governor on yesterday the 1st instant, approved and signed bills of the following titles, to wit: An act to alter the time of holding the county court of the county of Covington, and for other purposes therein specified; an act to provide for the support of paupers in the county of Bibb, and a joint memorial to the Senate and House of Representatives of the United States, in Congress assembled on the subject of Creek Indians depredations; all of which originated in the House of Representatives.*

**Mr Godbold offered the following preamble and resolutions:**

Whereas, it is customary among nations to celebrate achievements which have been marked with extraordinary and beneficial results in their history; thus evincing their gratitude to those who were instrumental in advancing the prospects, honor and happiness of their country, and inspiring the rising generation with an ardent patriotism and devoted attachment to the lands and institutions of their birth. And whereas, the people of the United States feeling a deep sense of gratitude to General Andrew Jackson, and his brave compatriots in arms for the triumphant victory achieved by them on the plains of New Orleans, over an invading enemy, and by their firmness and prudence, reflecting honor upon themselves, and imperishable glory upon our country,

*Be it therefore Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the State Capitol be illuminated on the night of the Eight of January instant, at half past seven o'clock in grateful remembrance of the success of our armies on the ever memorable 8th of January, 1815, on the plains of New Orleans, and in honor of our distinguished countryman and fellow-citizen, General Andrew Jackson, and the brave officers and soldiers who aided him in that perilous conflict.*

*Resolved further, That the doorkeepers of the respective houses be and they are hereby instructed to take measures to carry the foregoing resolutions into effect; which were unanimously adopted.*

The House then proceeded to the orders of the day and resumed the consideration of the preamble and joint resolutions offered by Mr Smith of m. and the substitute offered by Mr Weisinger; which is as follows, to wit:

Whereas, two great political questions are now under the consideration and pending the decision of the people of the United States, whether the powers of the General Government are defined and limited by the express grants of the Federal Constitution, and whether Congress in the use of means "necessary and proper" to carry into execution the express grants of the Constitution, is not bound to select those which are most simple and which most immediately and directly accomplish the objects, and whether the constitution prohibits any thing but gold and silver in payment of the public revenue.

*Therefore, be it Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the General Government was established by the formation and adoption of the Federal Constitution, and that it has no powers but such as is specifically granted by that instrument.*

2. *Resolved, That Congress has no power to establish a Bank to aid the Government to carry into execution any of the specified grants of the Constitution.*

3. *Resolved, That the framers of the Constitution did not contemplate, and that the Constitution, does not authorize the reception of any but gold and silver in payment of public dues.*

4. *Resolved, That the most simple and safe mode for the General Government to collect, keep and disburse the public revenue is by its own agents appointed by, and amenable to itself; under high moral and penal sanctions, and not to delegate this high and important function to banks created by the States, and over which the Government can have no control and authority.*

5. *Resolved, That a total and entire separation of the General Government and Banks according to the Independent Treasury plan, with the specie feature, will confer much less power on the President or on Congress, than the management of the fiscal operations of the Government by the aid of a National Bank, or Banks established by the States, or by any other plan that has been proposed.*

6. *Resolved, That the receipts of the bills of banks whether generally deposited in banks, or specially deposited in banks, or the Treasury, will confer great benefits on those sections of the Union where the public money is principally collected and disbursed, to the injury in the same ratio of other sections; and in violation of that clause of the Constitution, which says that no*

preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

7. *Resolved*, That the South which furnishes nearly the whole of the exports of the United States, has been occasioned by a connection of the Government and Banks and will be coexistent.

8. *Resolved*, That the same forced rule of construing the constitution that would establish a National Bank, would also establish a Protective Tariff, Internal improvement, surplus revenue, with its endless train of corruption and abuse; and the abolition of slavery in the District of Columbia, the Territories and States.

9. *Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to effect an entire separation of Government and Banks.

10. *Resolved*, That the Governor is hereby requested to transmit a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress from this State.

Mr Finley moved to lay the substitute proposed on the table; and the question having been taken thereon, it was decided in the affirmative. Yeas 49, nays 45.

The yeas and nays being desired those who voted in the affirmative are, messrs. Abercrombie Andrews Baldwin Baker Bates Boston Carmack Clifton of C. Clifton of D. Esselman Finley Garner Golding Griesby Hammond Hancock Harris Henderson Hilliard Hollis Jones of C. Kennedy Lindsay Martin Mason McClanahan of m. McClanahan of S. McKnight Mills Mitchell Morris Morrow Moore of mad. Porter Rogan Searcy Shields Simmons Smith of D. Smith of M. Taylor of F. Taylor of M. Vining Walker Warren Williams of J. Williams of T. Wilson and Wynn.

Those who voted in the negative are, messrs. Speaker Blassingame Bolling Booth Burke Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Godbold Hall Hampton Harrison High Hogg Jones of B. Jones of P. Lipscomb McAlpin of G. McAlpin of m. McConnell McMillion Moore of mar. Moore of W. Murphy Neely Payne Phillips Philpot Priest Rutherford Shortridge Slater Sommers Tarver Weissinger Withers Wright and Young.

And then the house adjourned till half past three o'clock, P. M.

*Evening Session, January 2d, 1839.*—The house resumed the consideration of the preamble and joint resolutions heretofore offered by Mr Smith of m. the question being then on their adoption. Mr Finley moved to suspend the subject under consideration for the purpose of asking leave of absence for Mr Harris; which was carried. *Ordered*, that leave of absence be granted to Mr Harris for an indefinite period.

The resolutions of Mr Smith of m. being under consideration, the house adjourned till to-morrow at half past nine o'clock.

*Wednesday, January 3d, 1839.*—Mr Boston moved a call of the house; which was ordered, when the following members answered to their names, and were present:

messrs. Andrews Blassingame Bolling Booth Boston Carmack Clanton Clifton of C. Clifton of D. Cook of L. Crayton Crenshaw Douglass Earl Ellis Finley Garner Golding Hancock Harrison Henderson Hogg Kennedy Lipscomb Mason McAlpin of m. McClannahan of s. McConnell McKnight McMillion Morris Moore of mad. Murphy, Phillips Philpot Priest Rogan Rutherford Simmons Smith of D. Tarver Taylor of F. Vining Wilson Williams of J and Wynn.

A quorum appearing in the house, Mr Bolling presented the petition of sundry citizens of Conecuh county, asking the legislature to pass a special law authorizing the judge of the county court and commissioners of roads and revenue to raise the tax of said county; which was read and laid on the table.

Mr Lipscomb presented the petition of Cynthia Finley; which was read and referred to a select committee, consisting of messrs Lipscomb McAlpin and Godbold. Also, the petition of William H. Cleaveland and others; which was referred to the same select committee.

Mr McAlpin of m. presented the petition of sundry citizens of Mobile, asking a charter for a rail road therein named; which was read and referred to the committee on rail roads.

Mr Ellis presented the petition of sundry citizens asking for the incorpora-

tion of Fairfield, in the county of Pickens; which was read and referred to a select committee consisting of the delegation from the county of Pickens.

Mr. Vining from the committee on lands appropriated for internal improvements, to which was referred the petition of Lemuel Pounders, reported a bill for the relief of Lemuel Pounders; which was read the first time and ordered to a second reading.

Mr Crenshaw from the committee on privileges and elections, to which was referred several petitions and resolutions on the subject, reported a bill to discontinue and establish certain election precincts therein named; which was read the first time, and ordered to a second reading.

Mr Crenshaw from the judiciary committee, to which was referred a bill for the relief of John Coleman and others, reported it back to the house with an amendment, in which the house concurred. The bill was then read the second time and ordered to be engrossed for a third reading.

Mr Morris from the committee on Indian affairs to which was referred the accounts of Joseph N. Savage and George W. Thompson, reported it inexpedient to allow the same; in which the house concurred.

Mr Weissinger from the committee on accounts, reported the accounts of B. H. Young, R. M. Carter and O. W. Baily as improperly referred, and recommended their reference to the committee on Indian affairs; in which the house concurred.

Mr Phillips from the committee on divorce and alimony, reported bills to divorce John Hughs from his wife Rosannah Hughs; and to divorce Nancy Davis from her husband Hezekiah Davis; which were severally read the first time and ordered to a second reading.

A message was received from the Senate by mr Withers their Secretary, Mr Speaker, the Senate has passed bills of the following titles to wit:

An act to amend in part an act entitled an act, to provide for the pay of certain accounts created by the Regiment of observation, in going to and returning from Vernon, which originated in the House of Representatives, and have amended the same by a substitute; an act to raise a revenue for the county of Randolph; an act for the relief of Cintha Finley; an act to repeal in part, and amend the militia laws of this State; an act for the relief of Harriet Pilate; an act to amend an act entitled an act to incorporate the city of Montgomery, approved December 23d 1837; an act to repeal in part an act therein named; an act to authorise the Judge of the county court and commissioners of roads and revenue of the county of Montgomery, to levy a county tax; an act in relation to taxes on real estates; an act to authorise the Judge of the county court and commissioners of roads and revenue of the county of Fayette to levy a special tax; an act for the relief of William Erwin of Perry county; an act to authorise Sheppard Brazelton and M. P. Johnson to build a bridge across the Tallapoosa river, in the county of Randolph, in which they ask the concurrence of the House.

The Senate have also passed bills of the following titles which originated in the House of Representatives; an act to revive and amend an act entitled an act to incorporate the lower part of the town of Tuscaloosa, on the south fraction of section of 21 of township 21 in range 10 west of the meridian of Huntsville, passed 20th December 1820; an act for the relief of Henry Hunter; an act to incorporate the town of Wedowee; an act to establish the the permanent seat of justice for the county of Russell; an act to authorise the Judge of the county court and commissioners of roads and revenue of the county of Sumter, to levy a tax for the bulding of a court house in the town of Livingston, of said county of Sumter; an act

to declare Wrights creek, in the county of Covington a public highway, and for other purposes therein named; an act to regulate judicial proceedings, and an act for the relief of Arely Manning.

The House concurred in the amendment made by the Senate to the bill to amend in part an act to provide for the pay of certain accounts created by the Regiment of observation in going to, and returning from Vernon—*ordered* that the Clerk acquaint the Senate therewith.

The bills from the Senate, to raise a revenue for the county of Randolph; to repeal in part and amend the militia laws of this State; to repeal in part an act therein named; to authorise the Judge of the county court and commissioners of roads and revenue of the county of Montgomery, to levy a county tax; in relation to taxes on real estate; to authorise the Judge of the county court and commissioners of roads and revenue for the county of Fayette, to levy a special tax, and for the relief of William Erwin of Perry county were severally read the first time and ordered to a second reading.

The bill from the Senate for the relief of Cynthia Finley was read the first time, and the constitutional rule requiring bills to be read on three several days having been dispensed with, the bill was read the second time, and the constitutional rule requiring bills to be read on three several days having been further dispensed with, the bill was read the third time and passed—*ordered* that the Clerk acquaint the Senate therewith.

The bill from the Senate to amend an act entitled an act to incorporate the city of Montgomery, approved December 23d 1837; was read the first time and the constitutional rule requiring bills to be read on three several days having been dispensed with, the bill was read a second time forthwith and ordered to a third reading.

The bill from the Senate to authorise Sheppard Brazleton and M. P. Johnson to build a bridge across the Tallapoosa river, in Randolph county, was read the first time and the constitutional rule, requiring bills to be read on three several days, having been dispensed with, the bill was read a second time and referred to a select committee, consisting of messrs. Martin, Phillips and Wright.

Mr Shortridge from the committee on the State Bank, to which was referred the memorial of Robert C. Cummings and Leonidas P. Spyker, reported a bill for the relief of Robert C. Cummings and Leonidas P. Spyker, which was read the first time and ordered to a second reading.

Mr Baker from the committee on inland navigation, to which was referred a resolution inquiring into the expediency of appropriating the three per cent fund of this State among the several counties in proportion to their population, reported a bill to provide for the distribution of the three per cent. fund in proportion to the population of the several counties of this State, which was read the first time. Mr Baker moved that the further consideration of the bill be postponed till Monday next, at 3 o'clock P. M. that the same be made the special order of the day for that time, and that one hundred copies be printed, which was carried.

Mr Garner from the select committee, to which was referred sundry petitions from Lauderdale and Limestone counties praying that a certain ferry therein named, should not be discontinued, reported that it is inexpedient to legislate on the subject, in which the House concurred.

Mr Vining from the select committee to whom was referred the petitions of Bryant Cobb and David Rickets asking authority to open a turnpike road from Lowesville in Madison county, to the Tennessee river in Marshall county, re-

ported that it is the unanimous opinion of said committee that the prayer of said petitioners ought not at this time to be granted, in which they ask the concurrence of the House, which report was concurred in.

Mr Boston from the select committee to which was referred the petition of sundry citizens of Lauderdale county, praying the discontinuance of a public ferry therein named, reported the same back to the House and ask to be discharged from the further consideration of the same in which the House concurred.

Mr Hilliard introduced a bill to be entitled an act for the relief of the sufferers of the late fire in the city of *Montgomery*; Mr Jones of B. moved to suspend the further consideration of the subject set a part for this hour until the appropriate hour on to-morrow, which was carried.

Mr Jones of B. introduced a bill to be entitled an act to change the name of Elizabeth Ogle, to the name of Elizabeth Dickinson, which was read the first time and the constitutional rule requiring bills to be read on three several days being dispensed with, it was read the second time; Mr Vining moved to amend by an additional section which was carried.

Mr Abercrombie moved to strike out the second section, which was carried, the constitutional rule being dispensed with, requiring bills to be read on three several days the bill was read the third time and passed—*ordered* that the title be as aforesaid, and the same be sent to the Senate for their concurrence.

A message was received from the Senate by Mr Childress their assistant Secretary; Mr Speaker, the Senate have adopted the following resolution:

**RESOLVED**, That the Secretary of the Senate be instructed to ask leave to recall from the House of Representatives a bill entitled an act for the better protection of slaves in this State.

*Ordered* that the message lie on the table.

Mr Shields offered the following resolution:

**RESOLVED**, That the Clerk of this House be instructed to inform the Senate that the bill to be entitled an act for the better protection of slaves in this State requested to be returned cannot be found amongst the papers of this House, and that if said bill was transmitted to this House, to request the Senate to communicate for the information of the House, the time when it was transmitted, &c. which was adopted.

*Ordered* that the Clerk acquaint the Senate thereof.

Bills were introduced, by Mr Jones, of B. a bill to be entitled an act to remove the obstructions and macadamize the road leading from Rigeville in Butler county, by the way of Bissel Town and Warrenton to Enter Port in Dallas county.

By Mr McClanahan of S. to regulate in part sheriff's sales in the county of Shelby, by Mr Address, for the compensation of Executors, Administrators and Guardians; by Mr Jones of C. to alter and amend an act, approved the 23d December 1837, so far as regards the county of Covington; by Mr Clanton, to incorporate the town of Auburn in the county of Macon; by Mr Shields, to establish a Branch of the Bank of the State of Alabama at Demopolis, in the county of Marengo; by Mr Martin to extend the right of appeal in certain cases therein named; by Mr Burke, to incorporate the town of Prairie Bluff, in the county of Wilcox; by Mr Smith of D. to form an additional Regiment in the county of DeKalb; by Mr Murphy to define the compensation to be allowed to the clerks and sheriff's for ex officio services performed by them in the county of Henry; by Mr Godbold, to incorporate the town of Stockton in the county of Baldwin; by Mr Martin to abolish and establish certain election precincts therein named; by Mr Warren, to raise a revenue for the county of Dale, and to regulate the compensation allowed to clerks and sheriffs for ex officio services in

said county; by mr Murphy, to authorise the Judge of the county court and commissioners of revenue and roads to ley a special tax for the building a jail in the county of Henry; by mr Philpot, to repeal in part an act, approved December 23d 1836; by mr Andress, to provide for holding the fall terms of the circuit courts of the first circuit; by mr Phillips, to extend the powers of the courts of roads and revenue of the several counties of this State which were severally read the first time and ordered to a second reading.

On motion of mr Carmack:

RESOLVED, That the committee on propositions and grievances be instructed to take into consideration in connection with the various petitions referred to them on the subject of intemperance, the propriety of passing a law to prevent the collection of debts by law which may hereafter be incurred by the sale of ardent spirits, with leave to report by bill or otherwise, which was adopted.

Mr Henderson offered joint resolutions proposing to amend the constitution of the State of Alabama, which was read a first time and ordered to a second reading on to-morrow.

Mr Booth introduced a bill to be entitled an act for the relief of John V. Otts, which was read a first time, and the constitutional rule, requiring bills to be read on three several days being dispensed with, the bill was read a second time and ordered to be engrossed for a third reading.

Mr Morris offered the following resolution:

RESOLVED, That the committee on Ways and Means be instructed to inquire into the expediency of taking some immediate steps to procure a re-imbursement from the United States of the large amount of money, which this State has paid in consequence of Indian hostilities, which were properly chargeable to the United States; and said committee be also instructed to report to this House, the best manner of accomplishing the above object, which was adopted.

Mr Smith of D. offered a joint memorial of the General Assembly of the State of Alabama, in relation to the public lands, which was adopted.

Mr Clifton of C. offered the following resolution:

RESOLVED, That the committee on Privileges and Elections, be instructed to enquire into the propriety of establishing an election precinct at the house of Harmon Bailey in the county of Cherokee, which was adopted.

Mr Clifton of C. introduced a bill to be entitled an act, to authorise John A. White, George W. Crozier and their associates to turnpike a road therein named which was read a first time; mr Clifton moved the constitutional rule, requiring bills to be read on three several days to be dispensed with, and that the bill receive a second reading forthwith.

The House then proceeded to the orders of the day and resumed the consideration of the preamble and resolutions offered by mr Smith of m. the question being on their adoption; mr Finley moved to amend by inserting after the words "shall be" in the third resolution and last sentence, the words "by a gradual and certain process, having regard to the indebtedness and embarrassment of the country"; which was accepted by mr Smith of m. and then the house adjourned till 3 o'clock, p. m.

*Evening Session, January 3, 1839.*—The house resumed the consideration of the preamble and joint resolutions heretofore offered by mr Smith of m.; the question being on their adoption.

Mr McConnell moved the previous question; mr McAlpin of G. moved that the House adjourn till to-morrow at half past 9 o'clock, which was lost yeas 29, nays 56.

Those who voted in the affirmative are Messrs. Speaker Andress Baldwin Baker Bates Blassingame Bolling Burke Earle Ellis Esselman Hogg Jones of P. Lipscomb McAlpin of G. McClanahan of m. McClanahan of S. Mitchell moore of mad. moore of mar. moore of W. Neily Phillips Porter Searcy Shields Smith of m. Weissinger and Williams of T.

Those who voted in the negative are, Messrs. Booth Boston Carmack Clifton of C. Clifton of D.



Cook of L. Crawford Crayton Creagh Crenshaw Douglass Finley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Henderson Hilliard Hollis Jones of C. Kennedy Martin Mason McAllister McAlpin of m. McConnell McKnight McMillion Mills Morris Morrow murphey Peters Philpot Priest Rogan Rutherford Shortridge Simmons Smith of D. Sommers Tarver Taylor of m. Taylor of F. Vining Walker Warren Williams of J. Wilson Withers and Wynn.

Mr McAlpin of G. moved to postpone the further consideration of the resolutions, till to-morrow 12 o'clock, and that they be made the special order for that time; mr Kennedy moved that the House adjourn till to-morrow, at half past nine o'clock, which was lost.

Mr Wright moved to postpone the further consideration of the preamble and resolutions till the first monday in February next; mr Phillips moved that the House adjourn till to-morrow at half past nine o'clock, which was lost.

The question was then taken on the motion of mr Wright to postpone until the first Monday in February next, and decided in the negative. Yeas 30, nays 59.

Those who voted in the affirmative are Messrs Address Baldwin Bates Burke Clifton of D. Crawford Crayton Earle Ellis Esselman Garner Grigsby Hampton Henderson Hillard Jones of B. Jones of P. Kennedy Mitchell Moore of mar. moore of W. Neely Peters Phillips Porter Priest Tarver Walker Williams of T. and Wright.

Those who voted in the negative are messrs Speaker Baker Blassingame Bolling Booth Boston Carmack Clifton of C. Cook of L. Creagh Crenshaw Douglass Finley Godbold Golding Hall Hammond Hancock High Hogg Hollis Jones of C. Lipscomb martin mason mcAlister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of S. McConnell McKnight McMillion Mills morris Morrow moore of mad. murphey Payne Philpot Rogan Rutherford Searcy Shields Shortridge Simmons Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Warren Weissinger Williams of J. Wilson Withers Wynn and Young.

The question then recurred on the motion of mr McConnell for the previous question and carried.

Mr Young moved that the House adjourn till to-morrow at half past 9 o'clock which was lost.

The main question being on the adoption of the preamble and resolutions; mr Moore of mad. called for a division of the question on each resolution.

The question, shall the 1st resolution be adopted was decided in the affirmative. Yeas 63, nays 28.

Those who voted in the affirmative are Messrs Speaker Abercrombie Baker Blassingame Booth Boston Carmack Clifton of C. Cook L. Crayton Creagh Douglass Earle Finley Godbold Golding Hall Hammond Hampton Hancock Harrison Henderson High Hogg Hollis Jones of C. Lipscomb martin mason mcAlister mcAlpin of m. mcClanahan of m. mcClanahan of S. mcConnell mcKnight mcMillion mills morris morrow moore of mad. murphy Payne Philpot Priest Rogan Searcy Shields Shortridge Simmons Smith of D. Smith of m. Sommers Tarver Taylor of F. Taylor of m. Vining Walker Warren Weissinger Williams of J. Wilson Withers and Wynn.

Those who voted in the negative are Messrs Address Baldwin Bates Bolling Burke Clifton of D. Crawford Crenshaw Ellis Esselman Garner Grigsby Hilliard Jones of B. Jones of P. Kennedy mcAlpin of G. mitchell moore of mar. moore of W. Neely Peters Phillips Porter Rutherford Williams of T. Wright and Young.

The question, shall the second resolution be adopted? was decided in the affirmative, Yeas 53 nays 38. Those who voted in the affirmative are, messrs. Blassingame Booth Boston Carmack Clifton of c. Cook of L. Creagh Douglas Finley Godbold Golding Hall Hammond Hancock Harrison Henderson High Hogg Hollis Jones of c. Lipscomb Martin Mason McAllister McAlpin of m. McClanahan of m. McConnell McKnight McMillion Mills Morris Morrow Murphy Payne Philpott Rogan Searcy Shields Shortridge Simmons Smith of D. Smith of m. Sommers Tarver Taylor of F. Taylor of m. Vining Warren Weissinger Williams of J. Withers and Wynn.

Those who voted in the negative are, messrs. Speaker Abercrombie Address Baldwin Baker Bates Bolling Burke Crawford Crayton Crenshaw Earle Ellis Esselman Garner Grigsby Hampton Hilliard Jones of B. Jones of P. Kennedy McAlpin of S. McClanahan of S. Mitchell Moore of mad. Moore of mar. Moore of W. Neely Peters Phillips Porter Priest Rutherford Walker Williams of T. Wright and Young.

The question, shall the third resolution be adopted? was decided in the affirmative, yeas 51, nays 40. Those who voted in the affirmative are, messrs. Booth Boston Carmack Clifton of c. Cook of L. Creagh Douglas Finley Golding Godbold Hall Hammond Hancock Harrison Henderson High Hogg Hollis Jones of c. Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McKnight McMillion Morris Morrow Murphey Payne Philpot Rogan Searcy Shields Shortridge Simmons Smith of D. Smith of m. Sommers Tarver Taylor of F. Taylor of m. Vining Warren Weissinger Williams of J. Wilson Withers and Wynn.

Those who voted in the negative are, messrs. Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Burke Clifton of D. Crawford Crayton Crenshaw Earle Ellis Esselman Garner Grigsby Hampton Hilliard Jones of B. Jones of P. Kennedy McAlpin of G. McClanahan of S. Mills



Mitchell Moore of mad. Moore of mar. Moore of W. Neily Phillips Peters Porter Priest Rutherford Walker Williams of T. Wright and Young.

The question being on the adoption of the fourth resolution, Mr Weissinger called for a division of the question, the question was taken first on the adoption of the first clause thereof to and including the word "principles" was decided in the affirmative, Yeas 62, Nays 23. Those who voted in the affirmative are messrs. Speaker Address Baker Booth Boston Burke Carmack Clifton of C. Creagh Crenshaw Douglass Finley Godbold Golding Hall Hammond Hampton Hancock Harrison Henderson High Jones of C. Kennedy Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McConnel McKnight McMillion Mills Morris Morrow Moore of mad. Moore of W. Murphey Payne Peters Philpot Priest Rogan Rutherford Searcy Shields Shortridge Simmons Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vinning Walker Warren Williams of J. Williams of T. Wilson Withers and Wynn.

Those who voted in the negative are. messrs. Abercrombie Baldwin Bates Blassingame Bolling Clifton of D. Cook of L. Crawford Crayton Earle Ellis Esselman Garner Grigsby Hilliard Hogg Hollis Jones of B. Jones of P. McAlpin of G. Moore of mar. Neily Phillips Porter Tarver Weissinger Wright and Young.

The question, shall the second clause of the fourth resolution be adopted? was decided in the affirmative; yeas 62, nays 37. Those who voted in the affirmative are, messrs. Booth Boston Carmack Clifton of C. Cook of L. Creagh Douglass Finley Godbold Golding Hall Hammond Hancock Harrison Henderson High Hogg Hollis Jones of c. Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McConnel McKnight McMillion Mills Morris Morrow Murphey Payne Philpot Rogan Rutherford Searcy Shields Shortridge Simmons Smith of D. Smith of M. Sommers Taylor of F. Taylor of M. Vinning Warren Weissinger Williams of J. Wilson Withers and Wynn.

Those who voted in the negative are, messrs. Speaker Address Baldwin Baker Bates Blassingame Bolling Burke Clifton of D. Crawford Crayton Crenshaw Earle Ellis Esselman Garner Grigsby Hampton Hilliard Jones of B. Jones of P. Kennedy McAlpin of G. McClanahan of S. Mitchell Moore of mad. Moore of mar. Moore of W. Neily Peters Phillips Porter Priest Walker Williams of T. Wright and Young.

The question, shall the fifth resolution be adopted? was decided in the affirmative unanimously. Those who voted in the affirmative are. messrs. Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Carmack Clifton of c. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Hall Hammond Hampton Hancock Harrison Henderson High Hilliard Hogg Hollis Jones of B. Jones of C. Jones of P. Kennedy Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of S. McConnel McKnight McMillion Mills Mitchell Morris Morrow Moore of mad. Moore of mar. Moore of W. Murphy Neily Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Smith of D. Smith of m. Sommers Tarver Taylor of F. Taylor of m. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.

The question, shall the sixth resolution be adopted? was decided in the affirmative, yeas 63, nays 17. Those who voted in the affirmative are, messrs. Speaker Abercrombie Baker Blassingame Bolling Booth Boston Carmack Clifton of C. Cook of L. Creagh Crenshaw Douglass Earl Finley Godbold Golding Hall Hammond Hampton Hancock Harrison Henderson High Hilliard Hogg Hollis Jones of C. Kennedy Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McClanahan of S. McConnel McKnight McMillion Mills Morris Morrow Murphy Payne Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Smith of D. Smith of m. Sommers Tarver Taylor of F. Taylor of m. Vinning Walker Warren Weissinger Williams of J. Wilson Withers and Wynn.

Those who voted in the negative are, messrs. Address Bates Clifton of D. Crawford Ellis Esselman Garner Jones of B. Jones of P. McAlpin of G. Mitchell Moore of mar. Moore of W. Phillips Williams of T. Wright and Young.

The question, shall the seventh resolution be adopted? was decided in the affirmative, yeas 63, nays 26. Those who voted in the affirmative are. messrs. Speaker Abercrombie Baker Blassingame Booth Boston Carmack Clifton of c. Clifton of D. Cook of L. Crayton Creagh Douglass Earle Finley Godbold Golding Hall Hammond Hampton Hancock Harrison Hudson High Hogg Hollis Jones of c. Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McConnel McKnight McMillion Morris Morrow Moore of mad. Murphy Payne Philpot Priest Rogan Rutherford Searcy Shields Shortridge Simmons Smith of D. Smith of m. Sommers Tarver Taylor of F. Taylor of m. Vining Walker Warren Weissinger Williams of J. Wilson Withers and Wynn.

Those who voted in the negative are, messrs. Address Baldwin Bates Bolling Burke Crawford Crenshaw Ellis Esselman Garner Hilliard Jones of B. Jones of P. Kennedy McAlpin of G. McClanahan of S. Mitchell Moore of m. Moore of W. Neily Peters Phillips Porter Williams of T. Wright and Young.

The question, shall the eighth resolution be adopted? was decided in the affirmative unanimously.

The question, shall the ninth resolution be adopted? Mr Weissinger called for a decision of the question which was first taken on the adoption of the first clause thereof, to and including the word "support" and decided in the affirmative, yeas 47, nays 42. Those who voted in the affirmative are. messrs. Booth Boston Carmack Clifton of c. Douglass Finley Godbold Golding Hall Hammond Hancock Harrison Henderson High Hollis Jones of c. Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McConnel McKnight McMillion Mills Morris Morrow Moore of mad. Payne Philpot Rogan Searcy Shields Shortridge Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Warren Williams of J. Wilson Withers and Wynn.

Those who voted in the negative are, messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Burke Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Earle Ellis Esselman Garner Hampton Hilliard Jones of B. Jones of P. Kennedy McAlpin of G. McClanahan of S. Mitchell Moore of mar. Moore of W. Neily Peters Phillips Porter Priest Rutherford Simmons Tarver Walker Weissinger Williams of T. Wright and Young.

The question, shall the second clause of the said ninth resolution be adopted? was decided in the affirmative, yeas 53, nays 20. Those who voted in the affirmative are, messrs. Speaker Abercrombie Booth Boston Carmack Clifton of c. Cook of L. Creagh Douglass Finley Godbold Golding Hall Hammond Hancock Harrison Henderson High Hollis Jones of c. Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McConnel McKnight McMillion Mills Morris Morrow Murphy Payne Philpot Rogan Searcy Shields Shortridge Simmons Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Warren Weissinger Williams of J. Wilson Withers and Wynn.

Those who voted in the negative are, messrs. Andress Baldwin Baker Blassingame Bolling Garner Hilliard Jones of B. Jones of P. Kennedy Mitchell Moore of mar. Neily Phillips Porter Priest Rutherford Walker Williams of T. and Wright.

The question, shall the tenth resolution be adopted? was decided in the affirmative.

The question, shall the preamble to the joint resolutions be adopted? was decided in the affirmative, yeas 53, nays 27. Those who voted in the affirmative are, messrs. Speaker Booth Boston Carmack Clifton of c. Cook of L. Creagh Douglass Finley Godbold Golding Hall Hammond Hancock Harrison Henderson High Hogg Hollis Jones of c. Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McConnel McKnight McMillion Morris Morrow Moore of mad. Murphy Payne Philpot Rogan Searcy Shields Shortridge Simmons Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Weissinger Williams of J. Wilson Withers Wynn and Young.

Those who voted in the negative are, messrs. Andress Baldwin Baker Bates Bolling Crawford Crayton Crenshaw Earle Garner Hilliard Jones of B. Jones of P. Kennedy McAlpin of G. McClanahan of S. Mitchell Moore of mar. Moore of W. Peters Phillips Porter Priest Rutherford Walker Williams of T. and Wright. Ordered, that the clerk acquaint the Senate therewith and ask their concurrence, and then the House adjourned till to-morrow at half past nine o'clock.

*Friday, Jan 4th.* — Mr Morris moved a call of the House which was ordered, when the following members answered to their names and were present:

Messrs. Speaker Andress Booth Boston Carmack Clifton of c. Clifton of D. Cook of L. Crayton Creagh Crenshaw Douglass Esselman Garner Golding Hammond Hampton Hancock Harrison Henderson Hilliard Hogg Holly Jones of c. Mason McAlister McAlpin of m. McClanahan of S. McConnel McKnight McMillion Morris Morrow Moore of mad. Murphy Phillips Priest Rogan Rutherford Simmons Smith of Taylor of F. Taylor of m. Vining Warren Weissinger Williams of J. Wilson and Wynn. A quorum appearing in the House the following message was received from the Senate by mr. Childress their assistant Secretary. mr. Speaker: The Senate amended a bill sent to the House on yesterday, entitled an act to regulate judicial proceedings. They have also passed bills of the following titles to wit: An act for the better protection of slaves in certain cases which originated in the House of Representatives and have amended the same as therein shewn; also, an act to amend an act, entitled an act, to appropriate a certain sum for the completion of the Muscle Shoals Canal; they also amended bills sent to the House on yesterday of the following titles: An act for the relief of Aereby Manning, and an act for the relief of Henry Hunter, in which they ask the concurrence of your honorable body. The Senate have also adopted the joint resolution of the House of Representatives to illuminate the State Capital on the eighth of January instant, which message was ordered to be on the table.

The bill to be entitled an act for the better protection of slaves in certain cases as amended by the Senate, was taken up and said amendment concurred in. Ordered, that the clerk acquaint the Senate therewith.

The bill to be entitled an act to regulate judicial proceedings as amended by the Senate, was taken up and the question on concurring in the first amendment was decided in the negative, yeas 33, nays 48. Those who voted in the affirmative are, messrs. Abercrombie Burke Clanton Creagh Hampton Harrison Henderson High Hilliard Kennedy Martin McAlpin of m. McClanahan of S. McConnel Morris Moore of mad. Moore of W. Payne Peters Phillips Philpot Priest Rogan Rutherford Searcy Shields Smith of m. Tarver Taylor of m. Warren Williams of J. Wilson and Wynn.

Those who voted in the negative are, messrs. Speaker Andress Baker Bates Bolling Boston Carmack Clifton of c. Crayton Crenshaw Douglass Earle Ellis Esselman Garner Golding Grigsby Hall Hampton Hancock Hogg Hollis Holly Jones of B. Jones c. Jones of P. Mason McAlister McAlpin of G. McClanahan of m. McKnight McMillion mills mitchell morrow moore of mar. murphy Neily Porter Shortridge Simmons Smith of D. Sommers Taylor of F. Vining Walker Weissinger Withers and Wright.

The question on concurring in the second amendment by the Senate, being under consideration was decided in the negative.

The question on concurring in the third amendment by the Senate being under consideration was decided in the negative. Yeas 41, nays 45.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker Abercrombie Baldwin Boston Clanton Cook of L. Esselman Godbold Hammond Hampton Hancock Harrison Henderson High Hilliard Jones of B. Jones of P. Kennedy Mason McConnell McKnight McMillion Mills Morris Moore of mar. Payne Peters Priest Rogan Shortridge Tarver Vining Warren Weissenger Williams of J. Wilson Wright and Wynn.

Those who voted in the negative are, messrs Andress Baker Blassingame Bolling Burke Carmack Clifton of C. Clifton of D. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Garner Golding Grigsby Hall Hogg Holley Lipscomb Martin McAlister McAlpin of m. McClannahan of m. McClannahan of s. Mitchell Morrow Moore of mad. Moore of W. Murphy Neiley Phillips Philpot Porter Rutherford Searcy Shields Simmons Smith of m. Sommers Taylor of F. Taylor of m. and Withers.

The fourth amendment made by the Senate to the bill being under consideration mr Kennedy moved to postpone the further consideration thereof, till the 1st day of February next; which was lost. mr Harrison moved to lay the amendments on the table, and that 100 copies thereof be printed. mr Martin called for a division of the question, which was first taken on laying on the table, and lost. The question then recurred on concurring in the amendment, and decided in the affirmative. mr McClannahan of S. who voted with the majority, moved a reconsideration of the vote taken on disagreeing to the third amendment of the Senate to the bill; which was carried. The question recurred on concurring in the 3rd amendment and decided in the affirmative. *Ordered*, that the clerk acquaint the Senate therewith.

A message was received from his Excellency the Governor, by Mr Gooch, his private Secretary.

#### EXECUTIVE DEPARTMENT, TUSCALOOSA, JANUARY 4TH, 1839.

Gentlemen of the Senate and House of Representatives—I have the honor to lay before you the accompanying communication from the Mobile Rifle Company and beg leave to recommend it to your favorable consideration. I am informed that a petition will be submitted to you showing the nature of the case particularly. Independently of the fact, that this very respectable corps have already sufficiently evinced their public spirit and patriotism, by arming themselves and repairing to the standard of their country in time of need; I would respectfully recommend to the consideration of the General Assembly the propriety of arming and equipping of volunteers corps as the only efficient means of insuring unto our military system that spirit on which its usefulness and efficiency naturally depend. I beg leave therefore respectfully to recommend to you the propriety of making an appropriation sufficient to cover the expense of the arms and accoutrements of this corps, and requiring them to deliver them up to the State whenever required. I have the honor to be, your most obedient serv't,

A. P. BAGBY.

Mr Lipscomb moved to refer the message and accompanying document, together with sundry documents presented by mr Lipscomb, to the committee on military affairs; which was carried.

The amendments made by the Senate to the bills for the relief Arely Manning, and for the relief of Henry Hunter, were severally concurred in. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate to amend an act entitled an act to appropriate a certain sum for the completion of the Muscle Shoals canal was read the first time, and ordered to a second reading.

Mr Burke presented the petition of Susanna Hocker and Margaret McCullum, praying for relief as therein shewn; which read and referred to the committee on the State bank.

Mr High presented the petition of F. B. Nelson, praying the passage of a law to authorise him, the said Nelson, to remove certain slaves out of this State; which was read and referred to a select committee, consisting of the delegation from Limestone county.

Mr Esselman presented the account and petition of H. W. Ward; which was read and referred to the committee on Indian affairs.

Mr Moore of mar. presented the petition of Mariah H. Tillinghast; which was read and referred to a select committee.

Mr Moore of mar. presented the petition of sundry citizens on the subject of county boundaries; which was referred to a select committee.

Mr Rogan presented the petition of sundry citizens of Blount and St. Clair counties, praying a part of the county of Blount to be attached to the county of St. Clair; which was referred to a committee to consist of the delegation from the counties of Blount and St. Clair.

Mr McClannahan of S. from the judiciary committee, to which was referred a bill entitled an act to regulate dower, reported the same back to the House and recommended its passage. Mr Phillips offered a substitute to come in after the enacting clause.

The House then proceed to the orders of the day and took up the preamble and joint resolutions heretofore offered by Mr Hilliard, being a special order. Mr Baker moved the previous question; which was sustained. The main question being on the adoption of the preamble and resolutions, a division of the question was called for. The question, shall the first resolution be adopted? was decided in the negative. Yeas 38, nays 50.

The yeas and nays being desired, those who voted in the affirmative are messrs. Speaker Abercrombie Andress Baldwin Baker Bates Bolling Burke Clifton of D. Crawford Crayton Crenshaw Earle Ellis Garner Grigsby Hampton Hilliard Hogg Jones of B. Jones of P. Kennedy McAlpin of G. McClannahan of S. Mitchell Moore of mar. Moore of w. Neiley Peters Porter Priest Rutherford Weissinger Walker Williams of T. Wright and Young.

Those who voted in the negative are messrs Booth Boston Carmack Clifton of C. Cook of L. Creagh Douglass Godbold Golding Hall Hammond Hancock Harrison Henderson High Hollis Holley Jones of C. Lipscomb Martin McAlister McAlpin of m. McClannahan of m. McConnell McKnight McMillan Mills Morris Morrow Moore of mad, Murphey Payne Philpot Rogan Searcy Shields Shortridge Simmons Smith of D. Smith of m. Sommers Tarver Taylor of F. Taylor of m. Vining Warren Williams of J. Wilson Withers and Wynn.

The question, shall the second resolution be adopted? was decided in the negative. Yeas 39, nays 50.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Andress Baldwin Baker Bates Bolling Burke Clanton Clifton of D. Crawford Crayton Crenshaw Earle Ellis Garner Grigsby Hampton Henderson Hilliard Jones of B. Jones of P. Kennedy McAlpin of G. McClannahan of s. Mitchell Moore of mad. Moore of mar. Moore of W. Neiley Peters Phillips Porter Priest Rutherford Simmons Walker Williams of T. Wright and Young.

Those who voted in the negative are messrs Abercrombie Booth Boston Carmack Clifton of C. Cook of L. Creagh Douglass Godbold Golding Hall Hammond Hancock Harrison High Hogg Hollis Holly Jones of C. Lipscomb Martin McAlister McAlpin of m. McClannahan of m. McConnell McKnight McMillan Mills Morris Morrow Murphy Payne Philpot Rogan Searcy Shields Shortridge Smith of d. Smith of m. Sommers Tarver Taylor of F. Taylor of m. Vining Warren Weissinger Williams of J. Wilson Withers and Wynn.

The question, shall the third resolution be adopted? was decided in the negative. Yeas 41, nays 46.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Speaker Abercrombie Andress Baldwin Baker Bates Bolling Burke Clanton Clifton of D. Cook of L. Crawford Crayton Crenshaw Ellis Esselman Garner Grigsby Hampton Hilliard Jones of B. Jones of P. Kennedy McAlpin of G. McClannahan of s. Mitchell Moore of mad. Moore of mar. Moore of W. Neiley Peters Phillips Priest Rutherford Tarver Walker Williams of T. Wright and Young.

Those who voted in the negative are, messrs. Booth Boston Carmack Clifton of C. Creagh Douglass Godbold Golding Hall Hammond Hancock Harrison Henderson High Hogg Hollis Jones of C. Lipscomb McAlister McAlpin of m. McClannahan of m. McConnell McKnight McMillan Mills Morris Morrow Murphey Philpot Rogan Searcy Shields Shortridge Simmons Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Warren Weissinger Williams of J. Wilson Withers and Wynn.

The question, shall the fourth resolution be adopted? was decided in the negative. Yeas 14, nays 66

The yeas and nays being desired, those who voted in the affirmative are messrs Andress Baldwin Bolling Crawford Ellis Esselman Grigsby Hilliard Jones of B. Jones of P. Moore of mar. Neiley Payne and Phillips.

Those who voted in the negative are messrs Speaker Abercrombie Baker Bates Booth Boston Carmack Clifton of C. Cook of L. Crayton Creagh Crenshaw Douglass Earle Garner Godbold Golding Hall Hammond Hampton Hancock Harrison Henderson Holly Jones of C. Kennedy Lipscomb McAlister McAlpin of G. McAlpin of m. McClannahan of m. McConnell McKnight McMillion Mills Mitchell Morris morrow Moore of mad. Murphy Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Smith of m. Sommers Tarver Taylor of F. Taylor of m. Vining Walker Warren Weisenger Williams of J. Williams of T. Wilson Withers Wynn and Young.

The next special order, to wit: the bill to amend in part the charter of the Bank of the State of Alabama and the several branches thereof, was taken up and read the second time. Mr Martin moved to refer the bill to a select committee composed of one member from each judicial circuit. Mr Hall moved to lay the bill on the table; which was carried.

A message was received from the Senate by Mr Childress, their assistant Secretary. Mr Speaker: The Senate has passed a bill to form a tenth judicial circuit of the State of Alabama, and for other purposes; in which they ask the concurrence of the House of Representatives.

And then the house adjourned till 3 o'clock, P. M.

*Evening Session, January 4th, 1839.*—The bill from the Senate to form a tenth judicial circuit of the State of Alabama and for other purposes, was read the first time, and ordered to a second reading.

Mr Moore of mad. moved to suspend the orders of the day for the purpose of making sundry reports from a standing committee; which was carried.

Mr Moore of mad. from the committee on the State bank, to which was referred several resolutions on the subject of the indebtedness of the citizens of this State to the bank and branch banks, reported a bill to be entitled an act to better enable the president and directors of the Bank of the State of Alabama and its several branches to secure the debts due said bank, which was read a first time. Mr Moore of mad. moved to suspend the further consideration of the bill until Tuesday next, that it be made the special order for that day and that 100 copies be printed for the use of the house; which was carried.

Mr Moore of mad. from the committee on the State bank, to which was referred the petitions of John Harris and Robin J. Lock, reported that it is inexpedient to grant the prayer of the petitioners, and ask to be discharged from the further consideration of the subject; which report was concurred in by the house.

Mr Moore of mad. from the committee on the State bank, to which was referred a bill to be entitled an act to incorporate a common school fund bank of the State of Alabama and for other purposes, reported that it would be inexpedient to pass said bill at the present time; which report was ordered to lay on the table.

Mr Phillips from the select committee to whom was referred the petition of sundry citizens of Dallas county, reported a bill to be entitled an act to change the perquisites of the office of the judge of the county court of Dallas county into a stated salary; which was read the first time, and ordered to a second reading.

Mr Shields, who voted in the majority, moved to reconsider the vote taken this morning, on refusing the petition of Mariah H. Tillinghast, and the petition of sundry citizens of Dallas county, to a select committee; which was carried. The petition of M. H. Tillinghast was then referred to the committee on the judiciary; and the petition of sundry citizens respecting county lines, was referred to a select committee consisting of the delegation from Dallas and Marengo counties.

The bill for the benefit of the 16th sections of this State was taken up.

special order. mr Crenshaw moved to amend the 4th section after the word 'Dallas' by inserting the words 'per annum.' mr Phillips moved to amend in the 4th section after the word 'computing' by inserting the words 'and deducting;' which was carried. mr Harrison moved to amend the 7th section after the word 'the' and before the word 'holder,' by inserting the words 'commissioners or the;' which was carried. mr Harrison moved to amend further by inserting an additional section after section 7; which was carried. mr Harrison moved further to amend by striking out all after the word 'president,' where it occurs in the 7th section, and insert a proviso in lieu thereof; which was lost. mr Lipscomb moved to amend by an additional section; which was carried. mr Young moved to amend by adding to the 7th section the following: 'which shall be shewn by certificate of the teacher in his township by receipt of payment or other satisfactory testimony;' which was carried. mr Morris moved to amend by adding a clause to the sixth section. mr Priest moved to lay the proposed amendment on the table; which was carried. mr Warren moved to amend the 5th section by striking out all after the word 'them' in the 7th line to the word 'two' in the 8th line. mr Priest moved to lay the amendment on the table which was carried. mr Jones of B. moved to amend by two additional sections, as follows:

Section *And be it further enacted*, That it shall be the duty of the county judge in each county of this State, to appoint the appropriate number of Trustees for each township in his county, and that the said Trustees thus appointed, shall be compelled to serve the term for which he was appointed, or forfeit the sum of one hundred dollars; unless his resignation is grounded on good cause, to be judged of by said judge.

Section *And be it further enacted*, That the said sum thus forfeited by any trustee shall be collected by said judge, and placed to the credit of the township where the resignation has taken place.

Mr Hampton moved the previous question, which was sustained. The main question, shall the bill as amended be engrossed for a third reading? was decided in the affirmative.

The engrossed bill to establish a board of commissioners for the improvement of the navigation of the Black Warrior river and for other purposes, was read the first time. mr Earl moved to fill the first blank in the bill with the word 'three;' which was carried. mr Earl moved to fill the second blank in the bill with the words 'one hundred and fifty;' which was carried. mr Earl moved to fill the third blank in the bill with the words 'twenty thousand;' which was carried. mr McMillion moved to amend by adding an additional section by way of engrossed ryder; which was carried. mr Wright moved further to amend by adding an additional section by way of engrossed ryder. mr Harrison moved to lay the amendment on the table. And then the House adjourned till half past nine o'clock to-morrow.

*Saturday, January 5th, 1839*,—Ordered, that leave of absence be granted to mr Payne until Monday next.

Mr Porter presented the petition of sundry citizens of North Tuscaloosa, praying for a change in the limits of said town; which was read and referred to a select committee consisting of the delegation of Tuscaloosa county.

The house resumed the consideration of the report of the committee on the judiciary on the bill to regulate dower. The question being on the motion of mr Phillips to strike out all after the enacting clause for the purpose of inserting a substitute. mr Boston moved to lay the bill on the table and the question being taken thereon; it was decided in the negative. Yeas 37, nays 49.

The yeas and nays being desired those who voted in the affirmative are, messrs Andrews Baldwin Boston Clanton Cook of L. Douglass Earl Esselman Goding Hall Hammond Henderson High Hilliard

Hogg Jones of B. Mason McKnight McMillion Mitchell Murphy Philpot Porter Rutherford Smith of D. Smith of m. Farver Taylor of F. Taylor of m. Vining Walker Williams of J. Williams of T. Wilson Withers and Wynn.

Those who voted in the negative are messrs. Speaker Abercrombie Baker Bates Booth Burke Carmack Clifton of c. Clifton of D. Crayton Creagh Crenshaw Ellis Garner Godbold Grigsby Hampton Hancock Harrison Hollis Holly Jones of c. Jones of P. Kennedy Lipscomb McAlister McAlpin of G. McAlpin of m. McClannahan of m. McClannahan of s. McConnell Mills Morris morrow Moore of mar. Moore of w. Neely Peters Phillips Rogan Searcy Shields Shortridge Simmons Sommers Warren Weissinger Wright and Young.

Mr Hall moved to recommit the bill to the committee on the judiciary; which was lost. The question recurring on the motion of mr Phillips to strike out and insert—mr Williams of t. called for a division of the question; which was first taken on striking out and decided in the affirmative. The question then recurred on the adoption of the substitute offered by mr Phillips, and decided in the affirmative. mr McClannahan of S. moved to amend the bill by adding an additional section. mr Porter moved to lay the amendment on the table, and the question being taken thereon, it was decided in the affirmative. Yeas 54, nays 21.

The yeas and nays being desired those who voted in the affirmative are, messrs. Speaker Baldwin Boston Burke Clanton Clifton of D. Cook of L. Crenshaw Douglass Earle Esselman Garner Godbold Golding Grigsby Hall Hampton Hancock Henderson High Hilliard Hogg Jones of B. Jones of c. Kennedy Mason McAlpin of G. McKnight McMillion mills Mitchell morris Moore of mad. Moore of of mar. Murphy Neely Philpot Porter Priest Rogan Shields Smith of D. Smith of m. Taylor of m. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Withers Wynn and Young.

Those who voted in the negative are, messrs. Abercrombie Andress Baker Bates Booth Carmack Clifton of C. Crayton Creagh Ellis Hammond Harrison Hollis Holly Jones of P. Lipscomb McAlister McAlpin of m. McClannahan of m. McClannahan of s. morrow Moore of w. Peters Phillips Rutherford Searcy Shortridge Simmons Smith of D. Sommers Taylor of F. and Wright.

The bill as amended was then ordered to be engrossed for a third reading.

Message from the Senate by Mr Childress, their assistant secretary—Mr Speaker: the Senate have passed a bill which originated in the House of Representatives of the following title, viz: an act to authorize the judge of the county court and commissioners of roads and revenue for the county of Jackson, to levy and collect a tax. They have also adopted a joint memorial of the General Assembly of the State of Alabama in relation to the public lands, which originated in the House of Representatives. They have also adopted joint resolutions unanimously which originated in the Senate, in which they ask the concurrence of your honorable body. They have passed a bill to be entitled an act amendatory of the several acts of the State of Alabama, regulating the licensing and retailing of spirituous and fermented liquors; which was laid on the table.

The engrossed joint resolutions from the Senate was then taken up, and on motion of mr Young was referred to the committee on the judiciary.

The bill from the Senate to be entitled an act amendatory of the several acts of the State of Alabama regulating the licensing and retailing of spirituous and fermented liquors, was read a first time and ordered to a second reading on Monday next.

Mr Porter from the judiciary committee to which was referred a bill to provide for an examination of the several circuit and county clerks offices, reported a substitute, which was adopted; the bill as amended was then read a second time, and ordered to be engrossed for a third reading.

Mr Porter from the committee on the judiciary, to which was referred a bill to be entitled an act to abolish imprisonment for debt, reported a substitute which was read. Mr Smith of m. moved to lay the bill on the table, and the question being taken it was decided in the negative. Yeas 12, nays 69.

\* The yeas and nays being desired, those who voted in the affirmative are, messrs Boston Carmack Clifton of C. Douglass Earle Hammond Jones of c. Murphy Rogan Searcy Smith of m. and Vining.



Those who voted in the negative are, messrs Abercrombie Andress Baldwin Baker Bates Booth Burke Clanton Cook of L. Crayton Creagh Crenshaw Ellis Esselman Garner Godbold Golding Grigsby Hall Hampton Hancock Henderson Hilliard Hogg Hollis Holly Jones of B. Jones of P. Lipscomb Kennedy Martin Mason McAlister McAlpin of G. McAlpin of m. McClanahan of m. McConnell McKnight Memillion Mills Mitchell Morris Morrow Moore of mad. Moore of mar. Moore of W. Neely Phillips Philpot Porter Priest Rutherford Shields Shorridge Simmons Smith of D. Sommers Tarver Taylor of F. Taylor of m. Walker Warren Weissenger Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.

Mr Martin moved to suspend the orders of the day for the purpose of offering the following resolution; which was carried: *Resolved*, that the Senate be requested to inform the house whether or not that body have found a bill which originated in this house, entitled an act for the better protection of slaves in this State; which was adopted.

The report of the committee on the bill to abolish imprisonment for debt being again under consideration, was concurred in. Mr Porter moved to amend in the 3d section by inserting before the word 'schedule' where it occurs, the words 'oath or,' which was carried. Mr McAlpin of m. moved to amend by an additional section. Mr Morris moved to lay the amendment on the table; which was carried. The bill as amended was then ordered to be engrossed for a third reading.

Mr Morris from the committee on Indian affairs, to which was referred the claims of A. Warren, J. T. Evans, Joshua T. Hood, Pugh & Hobdy, and George W. Thompson, growing out of the late military operations against the hostile Creeks, reported a bill to compensate certain persons therein named; which was read the first time and ordered to a second reading. Also the following joint resolution:

*Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts be instructed to cause the account of A. Warren against the United States for \$550 25, to be authenticated by obtaining the affidavit of A. Warren that it has not been paid, and transmit the same to Washington city for payment: *Provided*, the amount be appropriated by this Legislature to A. Warren; which was read a first time and ordered to a second reading.

Mr Moore of mad. from the committee on the State Bank, to which was referred a resolution instructing them to inquire into the expediency of repealing the law of the last session, appointing Bank commissioners which was approved, December 23d, 1837—reported a bill to repeal so much of an act approved, December 23d, 1837, as authorizes and requires the Governor to appoint three commissioners to examine the State bank and its Branches; which was read a first time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a second time, and ordered to be engrossed for a third reading.

Mr Porter from the committee on the judiciary to which was referred joint resolutions upon the subject of Aikin's Digest, reported a bill in substitution therefor, entitled an act for the arrangement, printing and distribution of the laws; which was adopted and ordered to be engrossed for a third reading.

Message from the Senate—Mr Speaker: the Senate have adopted the following resolution: *Resolved*, That the Secretary of the Senate be directed to inform the House of Representatives that the bill entitled an act for the protection of slaves, has been found by the Senate, and has been amended by the Senate, and has been sent to the House; the amendments of the Senate have been concurred in by the House of Representatives, of which the Senate was notified by a message from the House this morning; which was laid on the table.

Mr Morris from the committee on Indian affairs, reported that they had considered the account of John P. Booth for a horse purchased by General Irwin, and afterwards turned over to the Quarter-master's department, have instructed me to report that the United States would be the proper place to apply to for relief; in which they ask the concurrence of the House of Representatives. Mr McConnell moved to lay the report on the table; which was carried.

Mr Morris from the committee on Indian affairs, to which was referred the account of William Sparks for horses lost in the service of the United States, reported that it would be inexpedient to allow the same; in which they ask the concurrence of the House; which said report was by the House concurred in.

Mr Morris from the committee on Indian affairs to which was referred the account of Charles F. Miller, for articles and subsistence furnished troops in the United States service, reported the same back to the House, and ask leave to be discharged from the further consideration of the subject. Mr Godbold moved to lay the report on the table; which was carried.

Mr Morris from the committee on Indian affairs to whom was referred the account of Reuben Nelly, for forage alleged to be furnished troops in the service of the United States, reported



the same back to the House, and ask leave to be discharged from its further consideration—which report was by the House concurred in.

Ordered, that messrs McClanahan of S. and Kennedy be added to the committee on enrolled bills.

Mr McMillion from the committee on enrolled bills reported that they have examined and find correctly enrolled bills of the following titles, to wit: An act to revive and amend an act entitled an act to incorporate the lower part of the Town of Tuscaloosa on the south fraction of section twenty-one of township twenty one in range ten, west of the meridian of Huntsville, passed December 20th, 1820; an act to authorize the judge of the county court and commissioners of roads and revenue for the county of Sumter, to levy a tax for the building of a court house in the town of Livingston, of said county of Sumter; an act to declare Wright's creek, in the county of Covington, a public highway, and for other purposes therein named; an act to establish the permanent seat of justice for the county of Russell; and an act for the relief of Henry Hunter.

Mr Simmons from the select committee to which was referred the petition of sundry citizens of Tuscaloosa county, praying to be added to the county of Bibb, reported the prayer of the petitioners unreasonable, and ought not to be granted; they therefore ask to be discharged from the further consideration of the subject; which report was laid on the table.

Mr Clanton from the select committee to which was referred sundry petitions from the counties of Pike, Macon and Montgomery, praying for the formation of a new county, reported that in the opinion of your committee it would be inexpedient to grant the prayer of said petitioners, inasmuch as it would be deranging the present county lines—prove prejudicial to said counties, and that sufficient Territory cannot be conveniently obtained for the formation of a new county. Your committee respectfully ask leave to be discharged from the further consideration of the subject; which report was by the House concurred in.

Mr Shortridge, from the committee on enrolled bills, to which was referred sundry bills of the following titles: An act for the better protection of slaves in certain cases; an act entitled an act to provide for the pay of certain accounts created by the regiment of observation in going to and from Vernon; an act for the relief of Aerely Manning; an act to incorporate the town of Wedowee, have had the same under consideration, and have instructed me to report that they find the same correctly enrolled.

Mr Mason, from the select committee to which was referred a bill to reduce the width of lanes on second and third grade roads, with instructions to make the provisions general, reported the same back to the House with sundry amendments, in which the House concurred.

And then the House adjourned till 3 o'clock, p. m.

*Evening Session, Jan. 5.*—The House resumed the consideration of the report of the committee on the bill to reduce the width of lanes on second and third grade roads. Mr Baker moved to strike out the words 'second and,' where they occurred in the bill, which was carried. Mr McClanahan of S. moved to amend by an additional section. Mr Shields moved to amend the amendment by an additional section. Mr Hampton moved the previous question.—Mr Kennedy moved to postpone the further consideration of the bill until the first day of February, and the question having been taken thereon, it was decided in the negative. The question then recurred on the call for the previous question and lost. Mr Smith of m. moved to refer the bill and amendments to a select committee, which was carried; whereupon messrs Smith of m. Shields Moore of mad. Mason, McClanahan of S. and Baker were appointed said committee.

Mr Hilliard, from the committee on enrolled bills, reported as correctly enrolled, an act authorizing an additional number of jurors to be drawn and summoned to attend the circuit and county courts of the county of Wilcox.

Mr Grigsby, from the joint select committee on the State Bank, to which was referred a resolution instructing them to inquire into the expediency of re-

modeling the banking laws of this State, reported a bill to be entitled an act to alter and amend the charter of the Bank of the State of Alabama and its several branches, which was read. Mr Grigsby moved to postpone the further consideration of the bill until Wednesday next, and that it be made the special order for that day, and 100 copies printed for the use of the House, which was carried.

Mr Ellis, from the select committee to which was referred the petition of sundry citizens of Fairfield, praying the incorporation of the town of Fairfield, reported a bill to be entitled an act to incorporate the town of Fairfield, in Pickens county, which was read the first time and ordered to a second reading.

Mr Warren introduced a bill to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Choctaw Hatchee river, and for other purposes, which was read a first time, and the constitutional rule requiring bills to be read on three several days, being dispensed with, it was read the second time and referred to a select committee, consisting of the delegation from the counties of Henry, Dale and Pike.

The orders of the day being suspended generally, Mr Hall offered the following resolution, *Resolved*, That during the ensuing week, this House will dispense with evening sessions in order that the committees may have an opportunity of disposing of business assigned to them, as well as permitting the whig party to organize their convention and conduct its proceedings in the Hall of the House, which lies over one day for consideration.

Mr Martin, from the select committee to which was referred the bill entitled an act requiring justices of the peace to give bond and security, reported the same back to the House with the following amendment, viz: Strike out the last section. Mr Douglass moved to postpone the further consideration of the bill until the first of February next, which was lost. Yeas 25—Nays 53.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Boston, Carmack, Crayton, Douglass, Earle, Garner, Harrison, Henderson, Hollis, Jones of C. Mason McAlpin of G. McClanahan of m. McKnight, McMillon, Moore of mad. Moore of mar. Moore of W. Priest, Smith of m. Taylor of F. Taylor of m. Williams of J. and Wynn.

Those who voted in the negative are, messrs. Speaker, Andress, Baker Bates, Bolling, Booth, Clifton of D. Cook of L. Crawford, Creagh, Crenshaw, Ellis, Golding Grigsby Hall Hampton, Hancock Hilliard Hogg Holly Jones of B. Jones of P. Kennedy Lipscomb Martin McAllister, McAlpin of M. McClanahan of S. Mills Mitchell Morrow, Murphy Neely Phillips, Philpot, Porter, Rogan, Rutherford, Searey, Shields Shortridge, Simmons Smith of D. Sommers Warren, Weissinger, Williams of T. Wilson, Withers, and Wright.

The amendment proposed by the committee was then disagreed to. Mr Boston moved to amend the bill by an additional section as follows: Sec. — Be it further enacted, that this act shall have no force or effect in the county of Lauderdale. Mr Williams of T. moved the previous question. The question, 'shall the main question be now put,' was sustained. Yeas 44—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Andress Baker Bates Bolling Clifton of C. Cook of L. Creagh Crenshaw Ellis Golding Grigsby Hall Hampton Hancock Hilliard Holly Jones of B. Jones of P. Kennedy Lipscomb McAlister McClanahan of m. McClanahan of S. Mills Mitchell Morrow Neely Phillips Philpot Porter Rutherford Searey Shortridge Simmons Smith of D. Sommers Taylor of F. Williams of T. Wilson Withers Wright and Wynn.

Those who voted in the negative, are Messrs Booth Boston Carmack Clifton of D. Crayton Douglass Earle Garner Harrison Henderson Hogg Hollis Jones of C. Mason McAlpin of G. McKnight McMillon Morris Moore of Mad. Moore of Mar. Moore of W. Murphy Priest Shields Smith of m. Taylor of m. Vining Warren Weissinger and Williams of J.

The bill was then ordered to be engrossed for a third reading.

Mr Wynn introduced a bill to amend the several laws in relation to grand jurors, which was read a first time and ordered to a second reading.

*Ordered*, That the select committee appointed to investigate the official misconduct of Thomas A. Walker, have leave to sit during the sessions of the House.

Mr Jones of B. offered the following joint resolution: *Resolved*, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that the two Houses will adjourn *sine die* on Saturday the 26th of this inst. Mr Wilson moved to lay the resolutions on the table.

And then the House adjourned until Monday morning half past 9 o'clock.

*Monday, Jan. 7.*—Mr Morris moved a call of the House, which was sustained, when the following members answered and were present:

Messrs Andress Baker Blassengame Bolling Boston Carmack Clifton of C. Cook of F. Cook of L. Crayton Creagh Crenshaw Douglass Garner Godbold Hammond Hampton Hancock Harrison Henderson Hogg Holly Jones of B. Kennedy Lipscomb Martin Mason McClanahan of m. McClanahan of S. McConnell McMillan Morris Morrow Moore of Mad. Moore of W. Murphy Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Simmons Smith of m. Sommers Taylor of F. Taylor of M. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Withers and Wyun.

*Ordered*, That all the absentees be excused.

Mr Godbold presented the petition of sundry citizens in relation to the culture of the white mulberry silk, and praying for legislative encouragement in relation thereto, which was read and referred to a select committee consisting of messrs Godbold, Andress, Lipscomb and Phillips.

A message was received from the Senate by Mr Childress, their assistant Secretary. Mr Speaker: The Senate insist on their amendments to the bill which originated in the House of Representatives, to regulate judicial proceedings, which the House of Representatives informed the Senate by message, they disagreed to. Mr Morris moved that the House recede from their disagreement to the first amendment of the Senate, which was lost. *Ordered*, That the House insist on their disagreement. Mr Lipscomb moved that the House recede from their disagreement to the second amendment by the Senate, which was lost.—*Ordered*, That the House insist on their disagreement. *Ordered*, That the clerk acquaint the Senate therewith.

Accounts were presented by messrs Hall, Booth and Porter, which were severally read and referred.

Mr Godbold presented the petition of sundry citizens of Baldwin county, in relation to the retailing of ardent spirits, which was read and referred to the committee on propositions and grievances.

Mr Booth presented the account of William Cope, which was read and referred to a select committee, consisting of messrs Booth Warren and Morris.

Mr Booth presented the petition of sundry citizens of the counties of Montgomery, Macon and Pike, praying the formation of a new county, which was read and referred to a select committee consisting of the delegation from Pike, Macon and Montgomery.

Mr Martin presented the petition of sundry citizens of Benton county, in relation to the 16th section, township 15, range 11, east, which was read and referred to the committee on education.

Mr Martin presented the petition of sundry citizens of Benton county, in relation to the county boundaries, which was read and referred to the committee on county boundaries.

Mr Baker presented sundry documents, which were read and referred to the committee on the State Bank.

Mr Carmack presented the petition of sundry citizens of Lauderdale county, in relation to the office of tax collector, which was read and referred to a committee to consist of the delegation from Lauderdale county.

Mr Boston presented the counter petition of Sundry citizens of Lauderdale county, which was read and referred to the same committee.

Mr Smith of m. presented the petition of John R. B. Eldridge, of the last will and testament of William Johnson, which was read; and with the accompanying documents referred to the committee on indian affairs; also, the petition of John Biddle, praying for relief as therein shewn, which was read and referred to the committee on propositions and grievances.

Mr Moore of mar. presented the petition of sundry citizens of marengo county, in relation to certain election precincts therein named, which was read and referred to the committee on privileges and elections.

Mr McAlpin of m. presented the petition of certain ladies in Mobile, praying for an act to incorporate the Catholic Female Charitable Society in Mobile, which was read and referred to the committee on the judiciary.

Mr Payne presented the petition of Nathan Slay, praying the legislature to legalize the sale of certain lands heretofore sold, without the relinquishment of his wife's dower, which was read and referred to the committee on the judiciary.

Mr McClanahan of S. from the committee on enrolled bills, reported that they have examined and find correctly enrolled, the following bills: An act for the relief of Cynthia Finley; an act to repeal in part an act to increase the pay of jurors in certain counties therein named; an act to authorize the commissioners court of roads and revenue for the county of Pickens, to fill a vacancy, and for other purposes; an act to repeal an act exempting certain property from levy and sale by virtue of an execution, so far as regards the county of Henry, passed Dec. 2, 1837; and an act prescribing the duties of the county Treasurer of Franklin county.

The same committee reported that they had examined and found correctly enrolled, bills of the following titles: An act to authorize the Judge of the county court and commissioners of roads and revenue for the county of Jackson, to levy and collect a tax: also, a joint memorial of the general assembly of the State of Alabama, in relation to the public lands.

Mr Morris, from the committee on indian affairs, to whom was referred the account of Charles, for a horse alleged to have died the service of the United States, reported the same back to the house, and asked leave to be discharged from the further consideration thereof, which was laid on the table.

Mr Morris, from the committee on indian affairs, to whom was referred the account of Nancy Whitesides, reported that it would be inexpedient to allow the same. Mr Harrison moved to lay the report on the table, which was carried.

Mr Morris, from the same committee, reported on the account of Thomas S. Woodward, that it would be inexpedient to allow so much of the account as relates to damage done by cutting his corn and loss of a horse, and the balance of said account is not authenticated, in which the house concurred.

Mr Morris, from the same committee reported that they have considered the certificate of John W. Edge, appended to a list of the names of a number of individuals, asking pay for military services, rendered the State, and find the same not sufficiently authenticated. Mr Booth moved that the report lie on the table, which was carried.

Mr Morris, from the same committee, reported against the claims of Daniel T. Doyle, for the loss of a horse which died in the service; Daniel Baugh, for the loss of a horse in the service; Stephen Williams, for the same; Thomas C. Ballard for the same; Elijah Moncreif for the same, John G. Lewis for the same, and Neil McCoulskie for the same. Mr Creagh moved that the report lie on the table, which was carried.

Mr Henderson, from the committee on the military, to whom was referred the petition of sundry citizens of Pike county, praying relief for Wm. E. Davis, a sufferer in the Creek war, reported a bill for the relief of Wm. E. Davis, which was read a first time and ordered to a second reading.

Mr Crenshaw, from the committee on education, to which was referred several petitions for the relief of purchasers of the sixteenth sections, reported a bill to

extend the time of indebtedness of purchasers of sixteenth sections in this State, which was read a first time and ordered to a second reading.

Mr Booth, from the committee on the military to which was referred a resolution instructing them to inquire into the expediency of forming an additional brigade to be composed of the counties of Russell, Chambers and Tallapoosa, reported a bill to provide for the formation of an additional brigade of the militia of this State, which was read a first time and ordered to a second reading.

Mr Porter from the committee on internal improvement to which was referred a communication upon the subject of geological survey, reported a bill to provide for a geological survey of the State of Alabama, which was read the first time; Mr Porter moved the further consideration of the bill to be postponed until Thursday next, and that the same be made the special order of the day for that time, and that 100 copies of the communication of the trustees be printed for the use of the House, which was carried.

Mr Lipscomb from the select committee, to whom was referred the petition of Jonathan Steele and others reported a bill to incorporate the Alabama Coal Mine and Insurance Company, which was read a first time and ordered to a second reading.

Mr Morris from the select committee, to which was referred, enquiring into the expediency of dividing the banking capital at Montgomery for the purpose of locating the same at Wetumpka, reported a bill to establish a Branch of the Bank of the State of Alabama at Wetumpka which was read the first time and ordered to a second reading.

Mr Lipscomb from the select committee to which was referred the petition of Cynthia Finley, reported that as the prayer of the petitioner has been granted by the passage in the House of a bill originating in the Senate, no further legislation is necessary thereon and asked to be discharged from the further consideration thereof in which report the House concurred.

Mr Shields introduced a bill to make further appropriation for the improvement of the navigation of the Tombecbee river, which was read a first time and ordered to a second reading.

Mr Hall called up the the resolution offered by him on Saturday, which lay over to this day for consideration; Mr Taylor of F. moved to amend by adding the following "at any time when the House is not in session;" Mr Lipscomb moved to lay the resolution on the table; and the question having been taken thereon, it was decided in the negative. Yeas 23, nays 64.

The yeas and nays being demanded, those who voted in the affirmative are, Messrs. Andrew Barker Crayton Crenshaw Hammond Henderson Hollis Jones of B. Kennedy Lipscomb McAlpin of G. McAlpin of M. McClanahan of M. Morrow Moore of M. D. Moore of W. Neely Philpot Porter Priest Shemons Wright and Young.

Those who voted in the negative are messrs. Speaker Abercrombie Baldwin Baker Bates Blassingame Bolling Booth Boston Carmack Clifton of C. Clifton D Cook of L. Crawford Creagh Douglass Eare Ellis Esselman Finley Garner Godbold Grigsby Hall Hampton Hancock Harrison High Hilliard Hogg Holly Jones of C. Martin Mason McAlister McClanahan of S. McConnell McKnight McMillian Miller Morris Moore of M. R. Murphy Payne Peters Rogan Rutherford Searcy Shields Shortridge Smith of D. Smith of M. Sommers Taylor of F. Taylor of M. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Withers and Wynn.

Mr Taylor of F. having withdrawn his amendment, moved to amend by striking out all after the word "them" in the resolution and insert "and that the whig party be permitted to sit in this Hall at such times as the House may not be in session" which was carried; Mr Baker moved to strike out all after the word "resolved" for the purpose of inserting the following—"that evening sessions be dispensed with, until Friday next, for the purpose of giving time to the committees to sit and get through the business now before them. Resolved that

ther that the Hall of the House of Representatives be tendered to the convention now convened at this place, when the House is not in session." Mr Morris called for a division of the question, which was first taken on striking out and carried, a division was further called for and the question having been taken on inserting the first resolution, it was decided in the affirmative. The question next recurred on inserting the second resolution proposed as a substitute, and was decided in the affirmative. The question finally recurred on the adoption of the resolution as amended and decided in the affirmative.

Message from his Excellency the Governor, by Mr Gooch, his private Secretary.

EXECUTIVE DEPARTMENT, Tuscaloosa January 7, 1859.

TO THE HON. JAMES W. McCLUNG, Speaker of the House of Representatives, I herewith have the honor to lay before the House of Representatives the annual report of the Trustees of the University of Alabama, with the accompanying document marked E.

A. P. BAGBY.

Which message and document was laid on the table.

Mr Smith of m. offered the following resolution:

RESOLVED, That when this House adjourn, it do adjourn for the next three days at two o'clock p. m. and meet at half past 9 o'clock the day following, for the purpose of giving the Hall for the use of the Whig Convention now in attendance at Tuscaloosa, which lies over one day for consideration.

Mr Williams of T. offered a joint resolution to provide for the printing the annual report of the trustees of the University of Alabama, and the accompanying documents, which was read a first time and ordered to a second reading.

Mr Lipscomb introduced a bill to amend an act to alter and amend the law regulating the admission and practice of Counsellors and Attorneys at Law, which was read a first time, and ordered to a second reading.

The House then proceeded to the orders of the day and took up the bill to organise and establish separate courts of chancery, it being a special order. Mr Hall renewed his motion to strike out "Columbiana in Shelby county" and insert in lieu thereof "Kingston in Autauga county." Mr McClanahan of S. moved to lay the amendment on the table which was carried. Mr Hall moved to amend by striking out the words "three thousand" when they occur in the eleventh section of the bill, and the question having been taken thereon, it was decided in the affirmative. Yeas 46, nays, 36. The yeas and nays being demanded.

Those who voted in the affirmative are messrs. Bolling Boston Carmack Clifton of C. Crayton Creagh Douglass Earle Hall Hammond Harrison Henderson High Hogg Hollis Holley Jones of B. Jones of C. Mason McAlister McClanahan of m. McKnight McMillon Mitchell Morris Morrow Moore of mad. Moore of w. Murphey Philpot Priest Rogan Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Vining Warren Williams of J. Williams of T. Wilson Withers Wright and Wynn.

Those who voted in the negative are messrs. Speaker Andress Baldwin Baker Bates Blassingame Clifton of D. Cook of L. Crawford Crenshaw Esselman Garner Godbold Grigsby Hampton Hilliard Kennedy Lipscomb Martin McAlpin of G. McAlpin of m. McClanahan of S. McConnell Mills Moore of mar. Neiley Payne Peters Phillips Porter Rutherford Searcy Shortridge Tarver Walker Weissinger and Young.

Mr Douglass moved to amend the bill by striking out all after the enacting clause for the purpose of inserting a substitute. Mr Martin moved to postpone the further consideration of the substitute proposed till the first day of February next; and the question having been taken thereon, it was decided in the affirmative. Yeas 52, nays 31. The yeas and nays being demanded.

Those who voted in the affirmative are, messrs Speaker Andress Baldwin Baker Bates Blassingame Bolling Booth Clifton of D. Cook of L. Crawford Creagh Crenshaw Esselman Garner Godbold Grigsby Hampton Harrison High Hilliard Holly Jones of B. Kennedy Lipscomb Martin McAlpin of G. McAlpin of m. McClannahan of s. McConnell Mills Mitchell Morris Moore mad. Moore of mar. Neiley Hayne Peters Phillips Porter Rutherford Searcy Shortridge Simmons Somners Tarver Weissinger Williams of T. Withers Wright Wynn and Young.

Those who voted in the negative are messrs. Boston Carmack Crayton Douglass Earle Hall Hammond Hancock Henderson Hollis Jones of B. Jones of c. Mason McAlister McClannahan of m. McKnight McMillion Morrow moore of w. Murphy Philpot Priest Rogan Smith of D. Smith of m. Taylor of F Taylor of m. Vining Walker Warren Williams of J. and Wilson.

And then the House adjourned till to morrow morning, at half past 9 o'clock.

*Thursday, January 8th 1839.*—Message from the Senate by Mr Childress their assistant Secretary; Mr Speaker, the Senate have passed the following resolution.

*Resolved,* That with the concurrence of the House of Representatives, both Houses will adjourn *sine die*, on the 36th inst. They also adhere to their amendments to the bill of the House of Representatives, to be entitled an act to regulate judicial proceedings. Mr Boston moved to lay the resolution of the Senate on the table which was carried; Mr Payne moved that a committee of conference be desired with the Senate on the disagreement of the two Houses to the amendments made by the Senate to the bill to regulate judicial proceedings, which was carried; whereupon Messrs Payne, Crenshaw and Lipscomb, were appointed the committee on the part of the House. Ordered that the Clerk acquaint the Senate therewith and ask their concurrence.

Accounts were presented by Messrs Phillips, Abercrombie and Porter, which were severally read and referred.

Mr Baker presented the memorial of the President and Directors of the Tuscumbia, Courtland and Decatur Rail Road, which was read and referred to a select committee to consist of the delegation from the counties of Morgan, Lawrence and Franklin.

Mr. Wilson presented the petition of sundry citizens of Jackson county, on the subject of repealing the law incorporating the town of Bellefonte, which was read and referred to a select committee, consisting of the delegation of the county of Jackson.

Mr Earle presented the petition of Joseph Gill of Jefferson county which was read and referred to the committee on propositions and grievances.

Mr Henderson presented the petition of sundry citizens of Lawrence county, on the subject of intemperance, which was read and referred to the committee on propositions and grievances.

Mr Abercrombie presented sundry petitions from citizens of the counties of Macon and Russell, which were severally read and referred to a select committee, to consist of Messrs Abercrombie, Clanton and Hogg.

Message from his Excellency the Governor by Mr Gooch, his private Secretary. Mr Speaker, his Excellency the Governor on Monday 7th inst. approved and signed bills of the following titles, namely:

An act to establish the permanent seat of justice for the county of Russell; an act for the relief of Henry Hunter; an act to declare Wright's creek, in the county of Covington, a public highway, and for other purposes therein named; an act to authorise the Judge of the county court and commissioners of roads and revenue for the county of Sumter to levy a tax for the building a court house in the town of Livingston of said county of Sumter; an act for the relief of Aerely Manning, all of which originated in the House of Representatives.

Mr Weissinger from the committee on accounts, to which accounts were referred, reported a bill making appropriations for certain claims against the State, which was read a first time and ordered to a second reading.

Mr Weissinger from the committee on accounts to which was referred the account of P. M. Bush, sheriff of Marshall county, reported that they have instructed me not to allow the same, in which report the House concurred.

Mr Weissinger from the committee on accounts, to which was referred the account of Wm. Baker, Jailor of Shelby county, reported that it is inexpedient to allow the same, which report was laid on the table.

Mr Weissinger from the committee on accounts to which was referred the account of Franklin Armstrong, reported the same back to the House, and recommended its reference to the committee on Indian affairs, in which report the House concurred.

Mr Weissinger from the committee on accounts, to which was referred the account of Henry Tuttle, sheriff of Walker county, reported that it is inexpedient to allow the same. Mr Earle moved to lay it the table which was carried.

Mr Cook of L. from the committee of ways and means to which was referred a resolution instructing an inquiry whether or not the Secretary of State had provided weights and measures for the several counties of this State, reported a bill to require the Secretary of State, to procure and distribute to the new counties in this State, the weights and measures now established by law; which was read a first time and ordered to a second reading.

Mr McClannahan of S. from the committee on the judiciary, to which was referred a bill to incorporate the Shelby mining and manufacturing company, have amended the same as therein shown, to wit: by adding a proviso, in which the House concurred. The bill as amended was then read a second time, and ordered to be engrossed.



Mr Young from the committee on the judiciary, to which was referred a resolution instructing them to inquire into the constitutionality of the act of the last General Assembly of the State of Alabama, requiring a census of the State, to be taken in the present year, and the constitutionality of the apportionment of the members of the General Assembly, founded upon said census, reported that in the opinion of said committee, the law referred to was passed in accordance with the constitution and that the present General Assembly are authorised to apportion the Representatives of the several counties in the State, in both branches of the Legislature in pursuance thereof. The said committee further reported that the judiciary committee, of the Senate were invited to confer with the committee of this House, but that a quorum did not attend at the time of either committee, and that the committee of this House have acted on the subject as properly belonging to their cognizance under the instructions of the House of Representatives. Mr Clifton of D. moved that the report lie on the table; which was carried.

Mr Young from the same committee, to which was referred a resolution instructing them to inquire into the propriety of adopting some some plan whereby the general statute laws of this State, may be arranged and printed, and other subjects connected therewith; reported that the objects of the resolution are embraced in a bill now before this House, and asked to be discharged from the further consideration of the subject, in which the House concurred.

Mr Young from the same committee to which was referred the petition of Richard B. Purdon and J. R. Maltbie, reported that it is not competent for the Legislature to grant the prayer of the petitioners, and asked to be discharged from the further consideration of the subject. Mr Moore of Mad. moved that the report lie on the table, which was carried.

Mr Taylor of F. from the committee on Roads Bridges and ferries to which was referred the bill to incorporate the muscle shoals bridge company reported the same back to the House with sundry amendments as therein shewn, in which the house concurred. Mr Moore of Mad. moved to refer the bill to the committee on the judiciary which was carried.

Mr Porter from the committee on internal improvement, to which was referred sundry maps and petitions upon the subject of a survey by A. A. Dexter reported a bill to contribute on the part of the State, to the survey of mobile and Tennessee rail road route, and for the purchase of documents pertaining to said survey; which was read the first time. Mr Morris moved to lay the bill on the table, which was carried. Yeas 61, nays 27. The yeas and nays being desired.

Those who voted in the affirmative are, messrs. Address Blassingame Booth Boston Carmack Clifton of C. Cook of L. Crayton Creagh Crenshaw Douglass Earle Ellis Finley Garner Golding Hall Hammond Hampton Hancock Henderson Hogg Hollis Holly Jones of C. Jones of P. Kennedy Martin Mason McAlister McAlpin of G. McClanahan of m. McClanahan of S. McConnell McKnight McMillen Morris Morrow Moore of Mad. Moore of W. Murphey Neily Peters Philpot Priest Simmons Smith of D. Smith of M. Somners Tarver Taylor of F. Taylor of M. Vining Walker Warren Williams of J. Wilson Withers Wright Wynn and Young.

Those who voted in the negative are, messrs. Abercrombie Baldwin Baker Bolling Burke Crawford Godbold Grigsby Harrison High Hilliard Jones of B. Lipscomb McAlpin of m. Mills Mitchell Moore of Mr. Payne Phillips Porter Rutherford Searcy Shields Shortridge Weissinger and Williams of T.

*Ordered*, That Mr Lipscomb be added to the select committee heretofore raised to investigate the official misconduct of Thomas A. Walker, solicitor of the 9th judicial circuit.

A message was received from the Senate by Mr Childress, their assistant Secretary. Mr Speaker: The Senate concur in the message from the House of Representatives, asking a committee of conference of the disagreement of the two Houses to the amendment made by the Senate to the bill to regulate judicial proceedings, and have appointed on their part messrs Hudson, Lee and Cottrell. They have also passed a bill from the House of Representatives, to authorize the election of an assessor and tax collector, for the counties therein named, and have amended the same as therein shewn.

Mr Moore of W. moved that the House concur in the amendment made by the Senate to the bill to authorize the election of an assessor and tax collector for the counties therein named, which was carried. *Ordered*, That the clerk acquaint the Senate therewith.

The House then proceeded to the orders of the day, and resumed the consideration of the bill to organize and establish separate courts of chancery, the question being on ordering the bill to be engrossed. Mr Lipscomb moved the pre-



vious question, which was sustained. The main question being, 'shall the bill be engrossed,' was decided in the affirmative. Yeas 45—Nays 42.

The yeas and nays being desired, those who voted in the affirmative are messrs Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Booth Crawford Creagh Crenshaw Esselman Garner Godbold Grigsby Harrison High Hilliard Holly Kennedy Lipscomb Martin McAlpin of G. McAlpin of M. McClanahan of S. McConnell mills mitchell morris moore of mad. moore of mar. Payne Peters Phillips Porter Rutherford Searcy Shields Shortridge Somners Tarver Weissenger Williams of T. Wright and Young.

Those who voted in the negative are messrs Boston Burke Carmack Clifton of C. Crayton Douglass Earle Ellis Finley Godbold Hall Hammond Hancock Henderson Hogg Hollis Jones of B. Jones of C. Jones of P. mason McClanahan of m. McKnight mcMillion morrow moore of W. murphy Neily Philpot Priest Rogan Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Vining Walker Warren Williams of J. Wilson Withers and Wynn.

The bill providing for a call of a convention of the State of Alabama, to alter and amend the constitution of said State, was taken up as a special order, and read the second time. Mr Porter moved to refer the bill to the committee on the judiciary, with sundry instructions. Mr Young called for a division of the question, which was first taken on referring and lost. mr Taylor of F. who voted with the majority, moved a reconsideration of the vote just taken, which was carried. The question then recurred on referring the bill, which was carried. mr Morris moved to amend the instructions proposed by mr Porter. mr Phillips moved to lay the instructions on the table, which was carried.

The bill to establish a State prison and penitentiary, was taken up as the next special order, and read the second time. mr Kennedy moved to postpone the bill indefinitely, and the question having been taken thereon, it was decided in the negative. Yeas 21—Nays 60.

The yeas and nays being desired, those who voted in the affirmative are messrs. Abercrombie Andress Blassingame Burke Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Earle Grigsby Hammond Hollis Jones of B. Kennedy McAlister McAlpin of m. McKnight McMillion Morrow Moore of W. Murphy Neily Peters Philips Simmons Somners Taylor of F. Warren and Wright.

Those who voted in the negative are, messrs Speaker Baldwin Baker Bates Bolling Booth Boston Carmack Clifton of C. Douglass Ellis Finley Garner Godbold Golding Hall Hampton Hancock Harrison Henderson High Hilliard Hogg Holly Jones of C. Jones of P. Lipscomb Martin Mason McAlpin of G. McClanahan of m. McClannahan of S. McConnell Mills Mitchell Morris Moore of mad. Moore of mar. Payne Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Smith of D. Smith of m. Tarver Taylor of m. Vining Walker Weissinger Williams of J. Williams of T. Wilson Withers Wynn and Young.

Mr Taylor of F. moved to amend the 8th section of the bill by adding thereto the following 'to be paid for by those who vote for the bill.' mr McClung (mr. Vining in the Chair) moved the previous question, which was sustained.—

The main question, 'shall the bill be engrossed for a third reading,' was decided in the affirmative. Yeas 56—Nays 33.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Speaker Baldwin Baker Bates Bolling Booth Boston Carmack Clifton of C. Douglass Ellis Findley Garner Godbold Golding Grigsby Hall Hampton Hancock High Hilliard Holly Jones of C. Jones of P. Lipscomb Mason McAlpin of G. McClanahan of M. McConnel Mills Mitchell Morris Moore of Mad. Moore of Mar. Payne Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Smith of M. Tarver Taylor of M. Vining Walker Weissinger Williams of J. Williams of T. Wilson Withers Wynn and Young.

Those who voted in the negative, are Messrs. Abercrombie Andress Blassingame Burke Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Earle Hammond Harrison Hogg Hollis Jones of B. Kenedy McAlister McAlpin of M. McClanahan of S. McKnight McMillion Morrow Moore of W. Murphy Neily Peters Phillips Simmons Somners Taylor of F. Warren and Wright.

And then the House adjourned till to-morrow morning at half past 9 o'clock.

*Wednesday, Jan. 9.*—Mr Booth presented the petition of Arthur Stripling, which was read and referred to a select committee, consisting of messrs Booth, Warren and Smith of D.

Mr Kennedy presented the account of William Fasher, for apprehending a prisoner, which was read and referred to the committee on accounts.

Mr Morris presented the petition of sundry citizens of Coosa county, which was read and referred to the committee on propositions and grievances.

Mr Lipscomb presented the petition of sundry citizens of Mobile, in relation to the government of the port and harbor of Mobile, which was read and referred to a select committee consisting of the delegation from Mobile and Baldwin counties.

Mr Neily presented the account of the sheriff of Pickens county, which was read and referred to the committee on accounts.

Mr Simmons presented the petition of sundry citizens of Pike county, which was read and referred to a select committee consisting of the delegation of Pike and Barbour counties.

Mr Burke presented the record and proceedings of the circuit court of Wilcox county, exercising chancery jurisdiction in case of Winefred Jemison vs. John Jemison for divorce, which was read and referred to the committee on divorce and alimony.

The same presented the record and proceedings of the circuit court of Wilcox county, exercising chancery jurisdiction in the case of Emily Redgell vs. John W. Redgell for divorce, which was read and referred to the committee on divorce and alimony.

Mr Morris presented the petition of B. H. Young and Thomas Ward, which were severally read and referred to the committee on indian affairs.

Mr Taylor of F. from the committee on roads, bridges and ferries, to whom was referred the petition of sundry citizens of Cherokee county, praying a charter for a turnpike road, reported that it is inexpedient to grant the prayer of the petitioners, and asked leave to be discharged from the further consideration of the same. In which report the House concurred.

The same, from the same committee, to which was referred the petition of sundry citizens of Shelby county, praying for amendment of the road law, reported that it is inexpedient to grant the prayer of the petitioners, and asked leave to be discharged from the further consideration of the same; in which report the House concurred.

The same, from the same committee, to which was referred the petition of sundry citizens of Tusaloosa county, praying alteration of the road laws, reported that it is inexpedient to grant the prayer of the petitioners, and asked leave to be discharged from the further consideration of the same; in which report the House concurred.

Mr Moore of mad. from the committee on the State Bank, to which was referred a bill to be entitled an act therein named, reported the same back to the House, and further reported, that it would be inexpedient to pass said bill; in which report the House concurred.

The same, from the same committee to which was referred a bill to amend and alter the charter of the Bank of the State of Alabama and the several branches thereof, reported that it would be inexpedient to pass said bill. Mr Moore of mad. moved to lay the bill and report on the table, which was carried.

The same, from the same committee to which was referred a preamble and resolution, making suggestions and accompanied by the following: *Resolved*, That the committee on the State Bank be required to examine into the expediency of reporting a bill to the House in conformity with the above suggestions and resolutions, reported that it would be inexpedient to legislate on the subject, in which report the House concurred.

The same, from the same committee to which was referred a resolution to inquire into the expediency of so amending the law upon the subject of suits by the State Bank and branches, that they shall be required to bring suit in the coun-

ty where the debtor or debtors reside, reported that it would be inexpedient to legislate on the subject. Mr Morris moved that the House disagree to the report of the committee, which was lost. Yeas 42—Nays 48.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Abererombie Booth Boston Carmack Cook of L. Crayton Creagh Crenshaw Golding Grigsby Hall Hammond Hampton Harrison Henderson Hogg Hollis Holly Kennedy Martin Mason McClanahan of S. McKnight McConnell Mcmillan Mills Morris Morrow Moore of mar. Moore of W. Peters Priest Rogan Rutherford Shields Smith of D. Sommers Taylor of F. Williams of J. Wilson Wright and Wynn.

Those who voted in the negative are, messrs. Speaker Andress Baldwin Baker Bates Bolling Burke Clifton of C. Clifton of D. Crawford Douglass Earle Ellis Esselman Finley Garner Godbold Hancock High Hilliard Jones of B. Jones of C. Jones of P. Lipscomb McAlister McAlpin of G. McAlpin of M. McClanahan of M. Mitchell Moore of mad. Murphey Neily Payne Phillips Philpot Porter Searcy Shortridge Simmons Smith of M. Tarver Taylor of M. Vining Warren Weissinger Williams of T. Withers and Young.

The report was then concurred in by the house.

Mr Moore of mad. from the committee on the State Bank, to which was referred a resolution to inquire into the expediency of passing a law restricting said Banks from issuing bills of a less denomination than five dollars, and that they report by bill or otherwise, reported that the Banks have issued no note of less denomination than five dollars, since October last, and therefore it is inexpedient to legislate on the subject, in which report the House concurred.

The same, from the same committee to which was referred a resolution to inquire into the expediency of removing from the hands of the members of the legislature, the power of recommending notes, and to give said power to a select committee of — to be appointed in each county by the Judge of the county court and commissioners thereof, reported that it would be inexpedient to legislate on the subject, in which report the House concurred.

Mr Lipscomb, from the committee on the judiciary, to which was referred the petition of Javin Yuvill and others, reported a bill to incorporate the St. Andrews Society of Mobile, which was read a first time and ordered to a second reading.

Mr Hilliard, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, an act to authorize the election of an assessor and tax collector for the counties therein named.

Mr Warren, from the select committee to which was referred a bill to establish a board of commissioners for the improvement of the navigation of the Choctaw Hatchie river, and for other purposes, have amended the bill by adding an additional section, in which they ask the concurrence of the House, in which the House concurred. Mr Warren moved to amend the first section of the bill by striking out 'four' and insert 'three,' which was carried. Mr Booth moved to amend the third section after the word 'Montgomery,' insert the words 'and Irwinton,' which was carried. The bill as amended, was then read a second time and ordered to be engrossed for a third reading.

Mr Grigsby, from the select committee to which was referred the report of the commissions appointed by the governor under an act of the last legislature, to inquire into the expediency of erecting a public ware house in the city of Mobile, reported that it would be inexpedient to erect such a building in said city, in which report the House concurred.

Mr Finley, from the select committee to which was referred a memorial of the general assembly to the Congress of the United States, concerning the Muscle Shoals Canal, reported a substitute for the said memorial, in which the House concurred. Mr Lipscomb moved to recommit the memorial to a select committee which was carried; whereupon messrs Lipscomb, Moore of mad. and Finley were appointed said committee.

Mr Weissinger, from the committee on accounts to which was referred the claim of Theophilus L. Toulmin, former sheriff of Mobile county, reported a bill for the relief of Theophilus L. Toulmin, which was read the first time. Mr Wright moved to postpone the further consideration of the bill until the first day of February next, and the question having been taken thereon, it was decided in the affirmative. Yeas 67—Nays 20.

The yeas and nays being desired those who voted in the affirmative are, messrs Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Burke Carmack Clifton of C. Clifton of D. Crayton Creagh Crenshaw Earle Ellis Esselman Finley Garner Golding Grigsby Hammond Hampton Hancock Harrison Henderson High Hilliard Hollis Jones of B. Jones of C. Jones of P. Kennedy Martin Mason McAlpin of G. McClanahan of m. McKnight McMillion Mills Mitchell Morris Morrow Moore of mad. Moore of mar. Moore of W. Murphy Neiley Porter Priest Rogan Rutherford Searcy Simmons Smith of D. Smith of m. Tarver Taylor of F. Walker Warren Williams of J. Williams of T. Wilson Withers Wright and Wynn.

Those who voted in the negative are, messrs Booth Boston Crawford Douglass Godbold Hall Hogg Lipscomb McAlister McAlpin of m. Payne Peters Phillips Philpot Shields Shortridge Sommers Vining Weissenger and Wynn.

A message was received from the Senate by Mr Childress, their assistant Secretary. Mr Speaker: The Senate have adopted the following resolution: *Resolved by the Senate*, That with the assent of the House of Representatives, the joint examining committee shall (in addition to their instructions to examine the Bank, &c.) be, and they are hereby instructed to make inquiry and report to the two Houses what has been the general course of policy pursued by the Bank, and in relation to the conduct of any or all of its officers, as well as to any other interests of the Bank, which in the opinion of the committee, may require publicity; in which resolution the House concurred. *Ordered*, that the Clerk acquaint the Senate therewith.

Mr Young presented a certified copy of the *non cupitive* will of Daniel H. Tillinghast, deceased, in reference to a former reference, which was read and referred to the committee on the judiciary.

Mr Earle moved to suspend the orders of the day for one hour, which was lost.

Mr Booth, from the select committee to which was referred the memorial of Lewis Smith, reported a bill to provide for the payment of a certain company of troops therein named, which was read the first time and ordered to a second reading.

Mr Crenshaw, from the select committee to which was referred several petitions to move the seat of justice of Butler county, from the plan now established by law, reported a bill to provide for the more permanent location of the seat of justice in the county of Butler, which was read the first time and ordered to a second reading.

Mr Lipscomb, from the select committee to which was referred the petition of the fire wardens, in the city of Mobile, reported a bill to exempt the fire wardens of the city of Mobile, from serving on the jury, which was read the first time and ordered to a second reading.

Mr Lipscomb, from the select committee to which was referred the petition of William Jordan, reported a bill to authorize William Jordan, to erect a toll bridge over Bassett's creek, which was read the first time and ordered to a second reading.

The House then proceeded to the orders of the day, and took up the bill to be entitled an act to better enable the President and Directors of the Bank of the State of Alabama and its several branches, to secure the debts due said Banks.—Mr Mason moved to amend the bill by inserting in the 1st section and 5th line, after the word 'Banks,' the following 'and the situation of the people.' Mr Smith

of m. moved to postpone the further consideration of the bill and amendments, until the first Monday in February next.

And then the House adjourned until to-morrow at half past 9 o'clock.

*Thursday, Jan. 10.*—Mr Speaker laid before the House the Comptroller's report of the life insurance and trust company, which report was laid on the table.

Mr Harrison presented the account of Joseph Rutherford, deputy Sheriff of Walker county, which was read and referred to the committee on accounts.

Mr Crayton presented the petition of F. H. Trammell, of Chambers county, which was read and referred to the committee on propositions and grievances.

Mr Williams of J. presented the petition of sundry citizens of Jackson county, praying an act to be passed for the relief of Hugh B. Cameron, which was read and referred to the committee on propositions and grievances.

Mr Grigsby presented the petition of Edward Gant; praying the passage of a law incorporating a medical society at Selma, which was read and ordered to be laid on the table.

Mr Williams of T. presented the account of Richard W. Barber, jailor of Tuscaloosa county, which was read and referred to the committee on accounts.

Mr Williams of T. asked leave to withdraw Exhibit E. accompanying the message of his Excellency, dated the 7th inst. which was granted.

The following message was received from the Senate by Mr Childress, their assistant Secretary. Mr Speaker: The Senate have adopted the following resolution: *Resolved*, That with the concurrence of the House of Representatives, the two houses will assemble in the hall of the house of Representatives on Saturday next, to elect a Judge of the county court of Jefferson county. They have also adopted joint resolutions of the general assembly of the State of Alabama, in which they ask the concurrence of your honorable body.

*Ordered*, That the house concur in the resolution of the Senate to go into the election of a Judge of the county court of Jefferson county. *Ordered*, That the clerk acquaint the Senate therewith.

Mr Rutherford presented the petition of sundry citizens of Walker county, in relation to a turnpike road; which was read and referred to the committee on roads, bridges and ferries.

Engrossed joint resolutions of the General Assembly of the State of Alabama, from the Senate, was read and ordered to be laid on the table.

Mr Weissinger from the committee on accounts, to whom was referred the account of Joseph Rutherford, reported that it is inexpedient to allow the same. Mr Taylor of F. moved to lay the report on the table; which was carried.

Mr Moore of Mad. from the committee on the State bank, to which was referred a resolution to inquire into the expediency of adopting some measure by which individuals may be prevented from drawing money from the banks for the benefit of other persons, reported that it would be inexpedient to legislate on the subject; in which report the House concurred.

The same from the same committee to which was referred a resolution legalizing the suspension of specie payment as to require the State bank and the several Branches, to redeem with specie their notes of five dollars and those of a smaller denomination, from and after the 1st day of January next; their notes of ten dollars, from and after the 1st day of April next; their notes of twenty dollars, from and after the 1st day of July next; their notes of fifty dollars from and after the 1st day of October next, reported that as the Banks of this State have determined to resume specie payments, on the first Monday in January, it would be inexpedient to legislate on the subject; in which report the House concurred.

Mr Cook of L. from the committee on ways and means, reported a bill making appropriations for the year eighteen hundred and thirty-nine; which was read a first time and ordered to a second reading.

Mr Clifton of C. who voted in the majority, moved a reconsideration of the vote taken on yesterday, on the motion of Mr Morris, that the House disagree to the report of the committee on the State bank on the expediency of so amending the laws upon the subject of suits by the State Bank and Branches, that they shall be obliged to bring suit in the county where the

debtor or debtors reside. The motion to reconsider being under consideration, Mr Harrison moved the previous question; which was sustained. The main question, "will the House reconsider?" was decided in the affirmative. Yeas 51, nays 38.

The yeas and nays being desired, those who voted in the affirmative are messrs Abercrombie Baker Blassingame Booth Boston Burke Clifton of C. Clifton of D. Cook of L. Crawford Crayton Douglass Godbold Golding Grigsby Hall Hammond Hampton Hancock Harrison Henderson Hogg Hollis Holly Jones of B. Jones of C. Kennedy Martin Mason McAlister McClanahan of S. McConnell McMillion Morris Morrow Moore of Mar. Murphy Peters Phillips Priest Rogan Rutherford Shields Smith of D. Sommers Taylor of F. Walker Williams of J. Wilson Wright and Wynn.

Those who voted in the negative are messrs Speaker Andress Baldwin Bates Bolling Carmack Creagh Earle Ellis Esselman Garner High Hilliard Jones of P. Lipscomb McAlpin of G. McAlpin of M. McClanahan of M. McKnight Mills Mitchell Moore of Mad. Moore of W. Neely Payne Philpot Porter Searcy Shortridge Simmons Smith of M. Tarver Taylor of M. Vining Weissinger Williams of T. Withers and Young.

The question then recurred on disagreeing to the report of the committee, and decided in the affirmative. Yeas 50, nays 39.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Abercrombie Baker Booth Boston Burke Clifton of C. Clifton of D. Cook of L. Crawford Crayton Crenshaw Douglass Esselman Golding Grigsby Hall Hammond Hampton Harrison Henderson Hogg Hollis Holly Jones of B. Jones of C. Kennedy Martin Mason McAlister McClanahan of S. McConnell McMillion Mills Morris Morrow Moore of Mar. Murphey Peters Priest Rogan Rutherford Shields Smith of D. Sommers Taylor of F. Walker Williams of J. Wilson Wright and Wynn.

Those who voted in the negative are, messrs. Speaker Andress Baldwin Bates Bolling Carmack Creagh Earle Ellis Garner Godbold Hancock High Hilliard Jones of P. Lipscomb McAlpin of G. McAlpin of M. McClanahan of M. McKnight Mitchell Moore of Mad. Moore of W. Neely Payne Phillips Philpot Porter Searcy Shortridge Simmons Smith of M. Taylor of M. Vining Warren Weisinger Williams of T. Withers and Young.

Mr Morris moved the report of the committee be laid upon the table; which was carried.

Mr Morris from the committee on Indian affairs, reported on the claim of Franklin Armstrong, for a horse alledged to have been killed by the upsetting of a wagon, that it would be inexpedient to allow the same; in which the House concurred.

Mr Morris from the same committee reported on the claim of Jacob Woodward, that the same is not sufficiently authenticated; in which the House concurred.

Mr Morris from the same committee, reported on the claim of Charles McAllister, for corn alledged to be taken by the troops in the military service; that it would be inexpedient to allow the same. Mr Hall moved that the House disagree to the report; which was lost. The report was then concurred in.

Mr Baldwin who voted with the majority moved a reconsideration of the vote taken this morning on concurring in the report of the committee on Indian affairs on the claim of Franklin Armstrong; which was lost.

Mr McClannahan of S. from the committee on Indian affairs, to which was referred the petition of John R. B. Eldridge, executor of the last will and testament of William E. Johnson, deceased, asking pay for a horse which died in the Creek campaign, reported that it would be inexpedient to grant the prayer of the petitioner. Mr Moore of Mad. moved that the report lie on the table; which was carried.

Mr McClannahan of S. from the same committee, reported on the account of John Dukeford, for certain articles furnished Captain James Morris' company, in the Creek war, that it would be inexpedient to allow the same. Mr Abercrombie moved that the report lie on the table; which was carried.

Mr McClannahan of S. from the same committee, reported on the account of Charles F. W. Miller, for one hundred pounds of bacon, furnished Captain James Morris' company; that the same is not sufficiently authenticated. Mr Abercrombie moved to disagree to the report; which was carried. The account was then referred to a select committee consisting of messrs Abercrombie, Booth and Morris.

Message from his Excellency the Governor by Mr Gooch, his private Secretary.—Mr Speaker: His Excellency, the Governor this day approved and signed bills of the following titles, namely: An act to authorize the election of an assessor and tax collector for the counties therein named; an act to repeal in part an act entitled an act to provide for the payment of certain accounts created by the regiments of observation, in going to and returning from Vernon; an act to authorize the judge of the county court and commissioners of roads and revenue for the county of Jackson to levy and collect a tax; also a joint memorial of the General Assembly of the State of Alabama in relation to the public lands, all of which originated in the House of Representatives.

The House then proceeded to the orders of the day and resumed the consideration of the bill to be entitled an act to better enable the President and Directors of the Bank of the State of

Alabama and its several Branches, to secure the debts due said Banks; the question being on motion of Mr Smith of m. to postpone the further consideration of the bill till the first Monday in February next. And then the House adjourned till to morrow at half past nine o'clock.

*Friday, Jan 11th, 1839.*—Mr Taylor of F. presented the petition of sundry citizens of Fayette county, praying the formation of a new county; which was read and referred to the committee on county boundaries.

Mr McAlpin of m. presented the petition of Darling Collins and others, praying the passage of a law authorizing the justices of the peace in Mobile to appoint constables; which was read and referred to the committee on propositions and grievances.

Mr McClanahan of s. presented the petition of sundry citizens of Shelby county, in relation to a road; which was read and referred to a select committee consisting of the delegation from Shelby county.

Mr Rutherford presented the petition of sundry citizens of Walker county, praying not to be attached to the county of Morgan, as a senatorial district; which was read and referred to the committee on apportionment.

Mr Phillips from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Wilcox county exercising chancery jurisdiction, divorcing Emeline Ridgell from her husband John W. Ridgell, reported a bill to divorce Emeline Ridgell from her husband John W. Ridgell; which was read a first time and the constitutional rule being dispensed with, requiring bills to be read on three several days, was read a second time, and the constitutional rule being further dispensed with, requiring bills to be read on three several days, the bill was then read a third time, and passed by a constitutional majority. Ordered, that the title be as aforesaid, and the same be sent to the Senate for their concurrence.

Mr Moore of mad. from the committee on the State bank to which was referred a resolution to inquire into the expediency of granting a further extension of four years upon all debts due and running to maturity, owing to said banks; provided that those indebted shall renew their notes with good and solvent endorsers, or by mortgage on personal and real estate secure the same; reported that it would be inexpedient to pass a law in conformity with said resolution; which report was by the House concurred in.

Mr Morris from the committee on Indian affairs, reported that they had considered the claims of B. H. Young, B. M. Carter and H. W. Ward, and reported a bill to compensate certain persons therein named; which was read a first time, and ordered to a second reading.

Mr Porter from the select committee, to which was referred the petition of sundry citizens of North Tuscaloosa, praying an amendment of the laws incorporating said town, reported a bill to amend the laws now in force incorporating the town North Tuscaloosa; which was read a first time and ordered to a second reading.

Mr Earle introduced a bill for the establishment and support of preparatory schools in the several counties in this State; which was read the first time, and the constitutional rule requiring bills to be read on three several days, being dispensed with, the bill was read a second time forthwith, and referred to the committee on education.

Mr Harrison offered the following preamble and resolution:

Whereas, new company beats were formed by the last legislature in the county of Blount, and whereas, the law requiring the State to order the clerks of the county courts of the several counties to retain any number of Aiken's Digest, which might be in their offices, has precluded the justices of the peace elected in such new company beats from obtaining Disgests: Therefore,



*Be it Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Secretary of State be required to issue an order to the clerk of the county court of Blount county, authorizing him to distribute to each justice of the peace who may be destitute of Aiken's Digest in said county, one number of said Digest; which was read a first time and ordered to a second reading.

Mr Weissinger introduced a bill to establish a board of commissioners for the improvement of the navigation of the Cahawba river and for other purposes; which was read a first time, and ordered to a second reading.

Mr Wilson introduced a bill to regulate the duties of witnesses and clerks of the county and circuit courts of this State; which was read and ordered to a second reading.

Mr Holly introduced a bill to incorporate the town of Dudleyville in the county of Tallapoosa; which was read a first time and ordered to a second reading.

Mr McConnell introduced a bill to authorize Mordica Chandler and William Blythe to turnpike a road therein named; which was read a first time and ordered to a second reading.

Mr Golding introduced a bill to incorporate the town of Marshall in the county of Marshall; which was read a first time and ordered to a second reading.

Mr Neily introduced a bill to authorize administrators, &c. to rent real estate and for other purposes; which was read a first time and ordered to a second reading.

Mr Rutherford introduced a bill to allow to the Sheriff of Walker county compensation for making return of the Senatorial election; which was read a first time and ordered to a second reading.

Mr Young offered the following resolution:

*Resolved,* That the committee on the judiciary be instructed to inquire into the expediency of passing a law organizing a board of commissioners to hear, audit, and adjudge the claims arising under the late Indian war and depredations, in the State of Alabama; and report to the next session of the General Assembly; which was adopted.

Mr Hilliard introduced a bill to provide for the construction of a bridge over Ufanpie creek; which was read a first time and ordered to a second reading.

Mr Moore of mar. introduced a bill to repeal an act therein named; which was read a first time and ordered to a second reading.

Mr McKnight introduced a bill to make an appropriation out of the nett proceeds of the three per cent fund, for the purpose of cleaning out a road therein named; which was read the first time and ordered to a second reading.

Mr Abercrombie offered the following resolution:

*Resolved,* That the President of the State Bank be requested to report to this House the amount of the three per cent fund, and interest accruing thereon; which was adopted.

Mr Holly introduced a bill to incorporate the Read Bridge Academy, in the county of Tallapoosa; which was read a first time and ordered to a second reading.

Mr Blassengame introduced a bill to invest Augustus O Cox, a minor, of Perry county, with certain privileges and liabilities; which was read a first time and ordered to a second reading.

Mr Neily offered the following resolution:

*Resolved,* That the committee on the judiciary be instructed to inquire into the expediency of so amending the law now in force in relation to attachments, as to authorize the issuance of the same in cases of removal of the debtor, or of the removal of the property out of the county where he resided at the time of contracting any debt, and that they have leave to report by bill or otherwise; which was adopted.

Message from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate have passed bills which originated in the House of Representatives of the following titles: An act to appoint an additional surveyor in



the counties of Marshall, Madison and Randolph; an act to authorize Hazel Littlefield to erect a grist mill and saw mill on the east bank of the Coosa river, in the county of Benton, and have amended the same as therein shewn; an act to compensate Samuel Oliver, Daniel Calaway, Arthur Stripling, Elizabeth Watson and Samuel Feagan, the representatives of Lewis Pugh and Mary Harvy, for provisions furnished General Moore's brigade. They have also passed engrossed joint resolutions from the House of Representatives, and have amended the same as therein shewn. They have also passed bills which originated in the Senate entitled, an act to incorporate the town of Moorsville, in the county of Limestone; also an engrossed joint resolution; also an act to authorize the judge of the county court and commissioners of roads and revenue for Morgan county to levy a tax for the purposes therein mentioned; in which they ask the concurrence of your honorable body.

The bill to authorise Hazel Littlefield, to erect a grist mill and saw mill in the east bank of the Coosa river, in the county of Benton, as amended by the Senate; was then read and the amendment concurred in; ordered that the Clerk acquaint the Senate thereof.

The amendment made by the Senate to the bill to compensate Samuel Oliver, Daniel Calaway, Arthur Stripling, Elizabeth Watson, Samuel Feagan, the representatives of Lewis Pugh and Mary Harvy, for provisions furnished General Moore's brigade, was concurred in by the House; ordered that the Clerk acquaint the Senate therewith.

The amendments made in the joint resolutions of the House were taken up, the first amendment to strike out the words at the end of the first resolution "of a similar character" was concurred in the second amendment to strike out the resolution and insert in lieu thereof, the following: "Be it further resolved, that that the firm and decided course of the President of the United States upon the subject of the finances of the government, meets and receives our entire approbation; was concurred in, yeas 44, nays 39.

Those who voted in the affirmative are, messrs. Abercrombie Booth Clifton of C. Cook of L. Cravton Creagh Earle Finley Garner Godbold Golding Hall Hammond Hancock Harrison Henderson High Hogg Hollis Holly Jones of c. Lipscomb Martin McAllister McAlpin of m. McConnell McKnight McMillion Morrow Payne Philpot Rogan Searcy Shields Simmons Smith of D. Smith of m. Sommers Tarver Taylor of F. Vining Warren Weissinger and Withers.

Those who voted in the negative are, messrs. Speaker Andress Baker Bates Blassingame Bolling Boston Burke Carmack Clifton of D. Crawford Crenshaw Douglass Ellis Esselman Hampton Jones of B. Kennedy Mason McAlpin of G. McClanahan of m. McClannahan of s. Mitchell Morris Moore of mad. Moore of w. Murphy Porter Priest Rutherford Shortridge Taylor of m. Walker Williams of J. Williams of T. Wilson Wright Wynn and Young.

The third amendment by the Senate, to insert in the second line of the fifth resolution, the word "not" between the words "ought" and "to" was concurred in.

The fourth amendment to strike out the word "placed" in the last line of the fifth resolution, and insert the word "applied" was concurred in. The fifth amendment to insert in the eight resolution, the words "and free" after the word "direct" was concurred in; ordered that the Clerk acquaint the Senate therewith.

A message was received from his Excellency the Governor by mr Gooch, his private Secretary; mr Speaker, his Excellency the Governor, on yesterday the 10th inst. approved and signed bills of the following titles namely:

An act to revive and amend an act entitled an act to incorporate the lower part of the town of Tuscaloosa, on the south fraction of section twenty one of township twenty-one, in range ten west of the meridian of Huntsville, passed

December 20th 1820; an act for the better protection of slaves in certain cases; an act to incorporate the town of Wedowee; all of which originated in the House of Representatives.

The House took up the joint resolution of the Senate, which was read the first time. Mr McClanahan of S. moved to dispense with the constitutional rule requiring bills and joint resolutions to be read on three several days which carried; the joint resolution was then read a second time; Mr McAlpin of M. moved to strike out the word "practicable" when it occurs in said resolution and insert the word "practical" which was carried; Mr McClanahan of S. moved further to dispense with the constitutional rule, requiring bills and joint resolutions to be read on three several days, which was carried. The joint resolution was then read a third time; Mr Moore of Md. moved to lay the joint resolution on the table, which was lost, yeas 34, nays 50.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Abercrombie Andress Baldwin Baker Bates Carmack Clifton of D. Cook of L. Creagh Douglass Earle Ellis Garner Hammond Hampton Henderson High Hollis McClannahan of M. McMillion Mills Mitchell Moore of Md. Moore of Mar. Neiley Priest Searcy Simmons Smith of M. Walker Williams of T. Withers and Wynn.

Those who voted in the negative are messrs Blassingame Bolling Booth Boston Burke Clifton of C. Crawford Crayton Crenshaw Finley Golding Hall Hancock Harrison Hogg Holly Jones of B. Jones of C. Jones of P. Kennedy Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of M. McClanahan of S. McConnell McKnight Morris Morrow Moore of W. Murphy Payne Peters Phillips Rogan Rutherford Shields Smith of D. Sommers Taylor of F. Taylor of M. Vining Warren Weissenger Williams of J. Wilson Wright and Young.

The question then recurred on the adoption of the resolution and decided in the affirmative; yeas 58, nays 30.

Those who voted in the affirmative are, messrs Blassingame Bolling Booth Boston Burke Clifton of C. Crawford Crayton Crenshaw Ellis Finley Godbold Golding Hall Hancock Harrison Hilliard Hogg Holly Jones of B. Jones of C. Kennedy Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McKnight Mills Mitchell Morris Moore of W. Morrow Murphy Payne Peters Phillips Porter Rogan Rutherford Searcy Shields Shortridge Smith of D. Sommers Taylor of F. Taylor of M. Vining Warren Weissenger Williams of J. Williams of T. Wilson Wright and Young.

Those who voted in the negative are, messrs Speaker Abercrombie Andress Baldwin Baker Bates Carmack Clifton of D. Cook of L. Creagh Douglass Earle Garner Hammond Hampton Henderson High Hollis Jones of P. McMillion Moore of Md. Moore of Mar. Neily Priest Simmons Smith of M. Walker Withers and Wynn.

Ordered that the Clerk acquaint the Senate therewith.

A message from the Senate by Mr Childress, their assistant Secretary; Mr Speaker, the Senate has passed a bill to be entitled an act to reduce the number of Bank Directors of the State Bank and the several Branch Banks, in which they ask the concurrence of your honorable body.

Message from the Senate by Mr Childress, their assistant Secretary; Mr Speaker the Senate have adopted the following resolution:

**RESOLVED**, That with the concurrence of the House of Representatives, the two Houses of the General Assembly, will assemble in the Hall of the House on Saturday, the 12th instant, at 12 o'clock noon, for the purpose of electing a board of five Tennessee canal commissioners, in which they ask the concurrence of the House of Representatives.

The House then proceeded to the orders of the day, and resumed the consideration of the bill to better enable the President and Directors of the Bank of the State of Alabama and its several Branches, to secure the debts due said Banks; the question being on the motion of Mr Smith of M. to postpone the further consideration of the bill till the first Monday in February next, was decided in the negative; yeas 33, nays 53.

The yeas and nays being demanded. Those who voted in the affirmative are, messrs. Boston Carmack Clifton of C. Clifton of D. Cook of L. Crayton Creagh Douglass Esselman Garner Godbold Hammond Holly Jones of C. Jones of P. Lipscomb McAlpin of G. McAlpin of M. McKnight Mitchell Morris

Payne Phillips Searcy Shortridge Smith of D. Smith of m. Tarver Warren Williams of T. Withers Wynn and Young.

Those who voted in the negative are, messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Burke Crawford Crenshaw Earle Ellis Finley Golding Hall Hampton Hancock Harrison Henderson High Hilliard Hogg Hollis Jones of B. Kennedy Martin Mason McAlister McCannan of m. McMillion Mills Morrow Moore of mad. Moore of mar. Moore of W. Murphy Neily Peters Priest Rogan Rutherford Shields Simmons Sommers Taylor of F. Taylor of m. Vining Walker Weissinger Williams of J. Wilson and Wright.

Mr Payne moved to amend the first section of the bill by adding a proviso as follows, 'provided the provisions of this act, shall in no case extend to persons or corporations who are bona fide indebted to said Bank or Branches in their own name or in the name of another in any sum or sums of money exceeding two thousand dollars.'

Mr Hall moved the previous question. The question 'shall the main question be now put' was decided in the negative; yeas 13, nays 72.

Those who voted in the affirmative are, messrs. Baker Bolling Booth Boston Finley Hall Hampton Henderson High Hogg Mason Neily and Wilson.

Those who voted in the negative, are messrs. Speaker Abercrombie Andress Baldwin Bates Blassingame Burke Carmack Clifton of c. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earl Ellis Esselman Garner Golding Hammond Hancock Harrison Hilliard Hollis Holly Jones of B. Jones of c. Jones of P. Kennedy Lipscomb Martin McAlister McAlpin of G. McAlpin of m. McClanahan of m. McKnight McMillion Mills Mitchell Morris Morrow Moore of mad. Moore of mar. Moore of W. Murphy Payne Peters Phillips Philpot Priest Rogan Rutherford Shields Shortridge Simmons Smith of D. Sommers Smith of m. Tarver Taylor of F. Taylor of m. Vining Walker Warren Williams of T. Williams of J. Wright Wright Wynn and Young.

The question then recurred on the adoption of the amendment offered by mr Payne, and then the House adjourned till half past 3 o'clock.

*Evening Session, January 11th, 1839.*—The House resumed the consideration of the bill to better enable the President and Directors of the Bank of the State of Alabama and its several Branches to secure the debts due said Banks. The question being on the adoption of the amendment offered by mr Payne, mr Kennedy moved to refer the bill to a select committee, consisting of one member from each judicial circuit, and the question having been taken thereon, it was decided in the negative.

The amendment of mr Payne, being under consideration, the House adjourned till to-morrow. at half past 9 o'clock.

*Saturday, January 12th, 1839.*—The House took up the unfinished business on messages from the Senate on yesterday; the bill from the Senate to authorise the Judge of the county court and commissioners of roads and revenue for Morgan county, to levy a tax for the purposes therein named; was read and ordered to a second reading.

The bill from the Senate to reduce the number of Directors of the State Bank and the several Branch Banks, was read the first time; mr Shields moved that the bill be made the special order of the day for a second reading on Monday next; mr Harrison moved the previous question, which was sustained. The main question then being on the motion of mr Shields, was decided in the affirmative; yeas 71, nays 15.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Abercrombie Andress Baldwin Blassingame Bolling Boston Burke Carmack Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Ellis Esselman Finley Garner Godbold Hammond Hancock Henderson High Hogg Hollis Holly Jones of C. Jones of P. Kennedy Lipscomb Martin McAllister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of S. McConnell McKnight McMillion Mills Mitchell Morris Morrow Moore of mad. Murphey Neily Payne Peters Phillips Philpot Rogan Searcy Shields Shortridge Simmons Smith of D. Smith of m. Tarver Taylor of F. Taylor of m. Vining Warren Weissinger Williams of J. Williams of T. Withers Wynn and Young.

Those who voted in the negative are, Messrs. Baker Bates Earle Golding Hall Hampton Harrison Jones of B. Morrow Moore of mar. Priest Rutherford Walker Wilson and Wright.

A message from the Senate by mr Childress, their assistant Secretary; mr

Speaker, the Senate have passed bills which originated in the House of Representatives, the following titles viz: an act to divorce Martha Roberts from her husband William Roberts; an act to divorce Eliza A. F. Anderson from her husband Edmund R. Anderson; an act to divorce John P. Hall from his wife Mary Hall; An act to divorce Caroline L. Neily from her husband Juba! L. Neily; an act to divorce John Youngblood from his wife Eliza Jane Youngblood; an act to incorporate Liekaa Academy, and have amended the same as therein shewn; an act to compensate the commissioners in the county of DeKalb, and have amended the same, as therein shewn; an act to amend and consolidate the laws in relation to county Treasurers, and have amended the same as therein shewn.

They have also passed bills which originated in the Senate of the following titles viz: an act to establish a board of commissioners for the improvement of the navigation of the Coosa river and for other purposes; an act to authorise guardians of minors, idiots and lunatics to receive and remove from this State any property to which such ward may be entitled, where both guardian and ward reside out of this State, or remove the same from one county to another in this State, &c; an act to develop and improve the internal resources of the State of Alabama; an act to declare Chockolo creek, a public highway from Davis' to Bagby's mills in the county of Talladega; an act for the protection of the muscle shoals canal; an act to amend the acts now in force, relating to the taking of depositions; an act to regulate the alternation of the Judges of this State; an act to repeal in part an act entitled an act to limit the accommodations of the President and Directors of the Bank of the State of Alabama and its several Branches, approved December 23d, 1837; an act to incorporate Liberty Academy, in the county of Pickens; joint memorial requesting Congress to cede to the State of Alabama, the muscle shoals canal; and an act to incorporate the Wetumpka insurance and trust company of the State of Alabama.

The *House* took up the following message from the Senate by mr Childress, their assistant Secretary, received on yesterday, to wit: mr Speaker, the Senate have adopted the following resolution.

**RESOLVED.** That with the concurrence of the House of Representatives the two Houses of the General Assembly will assemble in the Hall of the House on Saturday the 12th instant, at 12 o'clock noon, for the purpose of electing a board of five Tennessee canal commissioners in which they ask the concurrence of the House of Representatives.

In which resolution the House concurred; ordered that the Clerk acquaint the Senate therewith.

The bill to incorporate the Liekaa Academy as amended by the Senate, was then read and the amendment concurred in—ordered that the Clerk acquaint the Senate therewith.

The bill to compensate the commissioners of revenue and roads in the county of DeKalb as amended by the Senate, was then read and the amendment concurred in—ordered that the Clerk acquaint the Senate thereof.

The bill to amend and consolidate the laws in relation to county Treasurers as amended by the Senate, was read and the several amendments concurred in: ordered that the Clerk acquaint the Senate thereof.

The bill from the Senate to establish a board of commissioners for the improvement of the navigation of the Coosa river and for other purposes, was read a first time and ordered to a second reading.

The bill from from the Senate to declare Chockoloco creek a public highway from Davis' to Bagby's mills in the county of Talladega, was read the first time and ordered to a second reading.

The bill from the Senate for the protection of the muscle shoals canal, was read a first time and ordered to a second reading.

The bill from the Senate to amend the acts now in force, relating to the taking of depositions, was read a first time and ordered to a second reading.

The bill from the Senate to develop and improve the internal resources of the State of Alabama, was read.

Mr Shields moved that that the further consideration of the bill be postponed until Tuesday next, and made the special order for that day, and 100 copies be printed. Mr Philpot moved to postpone the further consideration of the bill until the first Monday in February next, which was lost: yeas 22, nays 63.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Abercrombie Booth Boston Douglass Earle Esselman Garner Hall Henderson Hollis McAlister McClanahan of m. Mitchell Morrow Murphey Phillips Simmons Smith of m. Taylor of F. Taylor of m. Warren and Wynn.

Those who voted in the negative are, messrs. Speaker Andress Baldwin Baker Bates Blassingame Bolling Burke Carmack Clifton of c. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Ellis Finley Godbold Golding Hammond Hampton Hancock Harrison High Holly Jones of B. Jones of c. Kennedy Lipscomb Martin Mason McAlpin of G. McAlpin of m. McClanahan of S. McKnight Memillon Mills Morris Moore of mad. Moore mar. Neily Payne Peters Phillips Porter Priest Rogan Rutherford Searcy Shields Shortridge Smith of D. Tarver Weissinger Williams of J. Williams of T. Wilson Withers Wright and Young.

The question recurred on the motion of mr Shields to postpone and make the bill a special order, and was lost: the bill was then ordered to a second reading and one hundred copies thereof ordered to be printed.

The bill from the Senate to regulate the alternation of the Judges of this State was read a first time and ordered to be laid on the table.

The bill from the Senate to authorise guardians of minors, idiots and lunatics to receive and remove from this State, any property to which such ward may be entitled, where both guardian and ward reside out of the State, or to remove the same from one county to another in this State &c.; the bill from the Senate to repeal in part an act to limit the accommodations of the President and Directors of the Bank of the State of Alabama and its several Branches, approved December 23d 1837; the bill from the Senate to incorporate Liberty Academy, in the county of Pickens, and the bill from the Senate to incorporate the Wetumpka insurance and trust company of the State of Alabama, were severally read the first time and ordered to a second reading.

The engrossed joint memorial of the Senate requesting Congress to cede to the State of Alabama the muscle shoals canal, was read and adopted—ordered that the Clerk acquaint the Senate thereof.

Mr Williams of T. from the joint committee which was appointed on the part of the House to act with the committee from the Senate to apportion the representatives to the several counties and to divide the State into senatorial districts agreeable to the late census, reported a bill to apportion the representatives among the several counties of this State and to divide the State into senatorial districts according to the late census, which was read the first time.

Mr Baker moved that the further consideration of the bill be postponed until Tuesday next and made the special order of the day, and that 100 copies be printed.

Mr Hall moved to lay the bill on the table, which was lost: yeas 36, nays 52.

The yeas and nays being desired those who voted in the affirmative are messrs. Speaker Abercrombie Baldwin Boston Carmack Clifton of D. Cook of L. Douglass Esselman Finley Garner Hall Hancock High Hilliard Hogg Hollis Jones of B. Jones of C. Mason McClanahan of m. McMillon Mitchell Morrow Neily Phillips Rogan Rutherford Shortridge Taylor of F. Warren Weissinger Williams of J. Wilson Withers and Wynn.

Those who voted in the negative are, messrs. Andress Baker Bates Blassingame Bolling Booth Burke Clifton of C. Crawford Crayton Creagh Crenshaw Earle Ellis Godbold Golding Hammond Hampton Harrison Henderson Holly Jones of F. Kennedy Lipscomb Martin McAlister McAlpin of G.

McAlpin of m. McClanahan of S. McConnel McKnight Mills Morris Moore of mad. Moore of mar. Murphey Payne Peters Porter Priest Searcy Shields Simmons Smith of D. Smith of m. Tarver Taylor of m. Vinning Walker Williams of T. Wright and Young.

The question then recurred on the motion of mr Baker, a division of the question was called for and the question was first taken on making the bill the special order of the day for Tuesday next, which was carried.

The question next recurred on printing 100 copies, which was carried. The House then took up the preamble and resolutions heretofore offered by mr Moore of mad. Mr Martin moved to postpone the further consideration of the same, until the first Monday in February next, which was lost.

The hour of 12 o'clock noon having arrived; ordered that the Senate be now invited into the Hall of the House of Representatives, for the purpose of going into sundry elections as agreed on by a resolution of the two Houses.

The Senate then repaired to the Hall of the House of Representatives and took their seats. The two Houses then proceeded to the election of a Judge of the county court of Jefferson county, William S. Earnest and John F. Forest being in nomination,

Those who voted for Mr Earnest are messrs. Baylor Cottrell Devereaux Farrar Frazier Henderson Hudson Mays Ross Rains Rogers Smith Terry Toulmin Wellborn and Wilson of the Senate. messrs. Blassingame Carmack Clifton of D. Crawford Creagh Douglass Esselman Garner Golding Hammond Henderson Hogg Jones of c. McClanahan of S. Mills Morris Morrow Peters Phillips Philpot Searcy Shields Shortridge Taylor of F. and Warren. 42.

Those who voted for mr Forest are messrs. President Dent Fleming King Lee Lloyd McClellan McVay Rice Riddle Simmons Ward and Watrous of the Senate. messrs. Speaker Address Baker Bates Bolling Booth Boston Burke Clifton of c. Cook of L. Crayton Crenshaw Earle Ellis Finley Godbold Hall Hampton Hancock Harrison Hollis Holly Jones of B. Jones of P. Kennedy Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of m. McClanahan of m. McConnel McKnight McMillion Mitchell Moore of mad. Moore of mar. Murphey Neily Payne Priest Rogan Rutherford Simmons Smith of D. Smith of M. Taylor of m. Vinning Weissinger Williams of J. Williams of T. Wilson Withers Wynn Wright and Young. 71.

Mr Forest having received a majority of the whole number of votes given, was declared duly elected Judge of the county court of Jefferson county.

The two Houses then proceeded to the election of five Tennessee canal commissioners. Thomas Fearn James J. Donagan, Isaac Lane, James Irwin and James Weekly. being in nomination.

Those who voted for Mr. Fearn, are messrs President Baylor Cottrell Devereaux Farrar Fleming Frazier Henderson Hudson King Lea Lloyd McClellan McVay Mays Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate. messrs. Speaker Address Baker Blassingame Bolling Booth Boston Buke Carmack Clifton of c. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Hall Hammond Hampton Hancock Harrison Henderson High Hilliard Hogg Holly Jones of B. Kennedy Lipscomb Mason McAlister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of S. McConnel McKnight McMillion Mills Mitchell Morrow Moore of mad. Moore of mar. Murphey Neily Payne Peters Phillips Philpot Priest Rogan Rutherford Searcy Shields Shortridge Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Walker Warren Weissinger Williams of J. Wilson Withers Wright Wynn and Young.

Those who voted for mr Donegan are the same as those who voted for mr Fearn 104 votes.

Those who voted for mr Lane are the same those who voted for mr Donegan.

Those who voted for mr Irwin are the same as those who voted for mr Lane.

Those who voted for mr Weekly are the same as those who voted for mr Irwin.

Messrs. Thomas Fearn, James J. Donegan, Isaac Lane, James Irwin and James H. Weekly, having received a majority of the whole number of votes given, were declared duly elected Tennessee canal commissioners. The Senate then withdrew.

Mr Moore of mad. moved to suspend the orders of the day for the purpose of disposing of the subject last under consideration before the House, which was

carried; the preamble and resolutions of mr Moore of mad. being under consideration; mr Moore of mad. moved to dispense with the constitutional rule, requiring bills and joint resolutions to be read on three several days for the purpose of giving the resolutions a second reading forthwith, which was lost—they were then ordered to a second reading.

Mr Shields moved to suspend the orders of the day for the purpose of introducing a bill which was lost.

The House then proceeded to the orders of the day, and resumed the consideration of the bill to better enable the President and Directors of the Bank of the State of Alabama and the several Branches, to secure the debts due said Banks; the question being on the adoption of the amendment offered by mr Payne, and then the House adjourned till half past 3 o'clock, p. m.

*Afternoon Session, Saturday January 12, 1839.*—The House resumed the consideration of the bill to better enable the President and Directors of the Bank of the State of Alabama and its several Branches to secure the debts due said Banks, the question being on the adoption of the amendment offered by mr Payne.

Mr Harrison moved that the House adjourn till Monday at half past 9 o'clock, which was lost.

The question being on the adoption of the amendment offered by mr Payne, was decided in the negative, Yeas 34, nays 49.

The yeas and nays being demanded those who voted in the affirmative are, messrs. Boston Carmack Clifton of c. Clifton of D. Cook of L. Crayton Creagh Earle Garner Hammond Holly Jones of B. Kennedy Lipscomb Martin McAlister McAlpin of G. McAlpin of m. McClannahan of m. McClanahan of S. McConnell McKnight Memillion Morris Murphy Payne Philips Rutherford Searcy Smith of D. Smith m. Warren Wynn and Young.

Those who voted in the negative are, messrs. Speaker Andress Baldwin Baker Bates Blassingame Bolling Booth Burke Crawford Crenshaw Douglass Ellis Esselman Finley Golding Hall Hampton Hancock Harrison Henderson High Hilliard Hagg Hollis Jones of c. Jones of P. Mason Mills Mitchell Morrow Moore of mad. Moore of mar. Neily Peters Philpot Porter Priest Shields Shortridge Simmons Taylor of F. Vining Walker Weissinger Williams of T. Wilson Withers and Wright.

Mr Moore of mad. moved to amend the bill, by inserting in the first section after the word "due" the words "and running to maturity in" which was carried. Mr McClanahan of m. moved to amend the bill by striking out all of the first section after the word "Huntsville" where it occurs in the first section and insert the following "to give further indulgence, if in their opinion they can better secure bad and doubtful debts" which was lost. Mr Shields moved to amend the bill by adding to the 1st section the following proviso, "provided that in no case shall the amount of the instalments now running to maturity be diminished by an exercise of the discretion authorised under this act to an extent below twenty-five per cent. upon the original amount of any debt extended or contracted under the law of the called session in June 1837, unless in especial cases, a greater indulgence be deemed necessary or proper to increase the safety of doubtful debts by obtaining additional security."

Mr Martin moved that the House adjourn till Monday next, at half past 9 o'clock, which was lost.

The amendment offered by mr Shields being under consideration; mr Martin moved to amend to the amendment by striking out where it first occurs the word "debt" for the purpose of inserting in lieu thereof the word "instalment" which was lost; mr Moore of mad. moved to amend the amendment by striking out the words "twenty-five per cent." and insert in lieu thereof "twelve and a half per cent;" Mr Young called for a division of the question, which was first taken on striking out and decided in the affirmative.



Mr Weissinger moved to fill the blank with the words "eighteen and three fourth cents;" mr Martin moved to fill the blank with the words "twenty per cent;" and the question having been taken thereon, it was decided in the affirmative; mr Martin moved further to amend the amendment by striking out the word "unless" and all after it, which was lost; mr Hilliard moved to amend the amendment by inserting after the word "maturity" the words "and to become due during the present year."

Mr Smith of m. moved that the House adjourn till Monday next, at half past 9 o'clock; which was lost. The question then recurred on the motion of Mr Hilliard to amend the amendment; and was lost. mr Burke moved to amend the amendment of mr Shields by an additional proviso, as follows: '*And provided further*, that in all future accommodations, those who are not indebted to the Banks, shall have the preference as far as possible;' which was carried. The question being on the adoption of the amendment as amended—mr Martin moved that the house adjourn till Monday next at half past nine o'clock; and the question having been taken thereon and decided in the affirmative. And so the house adjourned.

*Monday, Jan. 14th, 1839.*—mr Boston moved a call of the house, which was sustained; when the following members answered and were present, to wit:

Messrs. Abercrombie Andress Baldwin Baker Blassingame Bolling Booth Boston Carnack Clifton of D. Cook of L. Crayton Creagh Crenshaw Douglass Earle Esselman Finley Garner Godbold Golding Hampton Hancock Harrison Henderson Hogg Hollis Holly martin Mason McAlister McAlpin of m. McClanahan of S. McConnel McKnight McMillion Morrow Murphy Phillips Priest Rogan Rutherford Simmons Smith of D. Tarver Taylor of F. Vining Walker Warren Williams of J. Wilson and Wynn.

Mr Booth presented the petition of sundry citizens of Barbour county praying commissioners to be appointed for a 16th section therein named; which was read and referred to a select committee consisting of the delegation of Barbour and Henry counties.

Mr Martin presented the petition of sundry citizens of St. Clair county; which was read and referred to the committee on propositions and grievances.

Mr Clifton of C. presented the petition of sundry citizens of Cherokee county; which was read and referred to the committee on the judiciary.

Mr Creagh presented the record and proceedings of the county court of Clarke county, in the State of Alabama vs. Austin, a slave; which was read and referred to the committee on accounts.

Mr Morris presented the petition of sundry citizens of Coosa county, relative to the seat of justice in said county; which was read and referred to the committee on propositions and grievances.

Mr Smith of D. presented the petition of Thomas B. Royston and others; which was read and referred to the committee on judiciary affairs.

Mr Baker presented the petition of Capt. Joseph T. Cook; which was read and referred to the committee on Indian affairs.

Mr Neily presented the petition of sundry citizens of the town of Pickensville, of Pickens county; which was read and referred to a select committee consisting of the delegation of Pickens county.

Mr Porter presented the account of James G. Blount, sheriff of Tuscaloosa county; which was read and referred to the committee on accounts.

Mr Taylor of F. from the committee on roads, bridges and ferries, to which was referred the petition of Jonathan Evans to turnpike a road therein named, reported a bill to authorize Jonathan Evans and his associates, to turnpike a certain road, and for other purposes; which was read the first time and ordered to a second reading.

Mr Andress from the committee on propositions and grievances, to which was referred the petition of John Riddle, reported a bill for the relief of John Riddle of Madison county; which was read a first time and ordered to a second reading.

Mr Andress from the same committee to which was referred the petition of Joseph Gill, reported that it would be inexpedient to grant the prayer of said petitioner, and asked to be discharged from the further consideration thereof; in which report the House concurred.

Mr Phillips from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Wilcox county, exercising chancery jurisdiction, divorcing Winnifred Jemison from her husband John Jemison, reported a bill to divorce Winnifred Jemison from her husband John Jemison; which was read a first time and ordered to a second reading.

Mr Kennedy from the committee on the judiciary, to whom was referred the bill for the punishment of offenders for depredations committed on the Muscle Shoals canal, reported that they had amended the same by striking out all after the enacting clause, and inserting in lieu thereof a substitute; which was read and ordered to be laid on the table.

Mr Moore of mad. from the committee on the judiciary, to which was referred the petition of James Jackson, reported that the judicial tribunals of the country are fully competent to remedy the evils complained of in said petition, and to that branch of the government the petitioner should resort for a redress of the grievances complained of, and not to the Legislature; and the committee ask to be discharged from the further consideration of said petition; in which the house concurred.

Mr Moore of mad. from the committee on the State bank, to which was referred the petition of the citizens of Randolph county, in relation to the banks, reported that the prayer of the petitioners are unreasonable, and ought not to be granted; in which report the House concurred.

Mr Booth from the military committee to which was referred the petition of the Mobile Rifle company, praying the legislature to pay for rifles and other equipments purchased by them, and the communication of his Excellency the Governor on the same subject, reported, that although they greatly admire the military and patriotic spirit which induced the company in making the purchase of the articles for which payment is now asked to be made, and notwithstanding the application is supported by the recommendation of the Executive, to which the committee could not but give their most respectful consideration; yet in their opinion it would be inexpedient to grant the relief sought for by the petitioners. The committee have arrived the more readily at this conclusion from the fact that there are now a great number of public arms belonging to the State, and that agreeably to the report of the Adjutant General, the State is now entitled to, and will shortly receive, a sufficient quantity to furnish every volunteer company in the State. They therefore respectfully ask to be discharged from the further consideration of the matter; in which report the House concurred.

Mr Andress from the committee on propositions and grievances, to which was referred the petition of Fan H. Trammell, reported a bill for the relief of the purchasers of the sixteenth section in the county of Chambers; which was read a first time and ordered to a second reading.

A message was received from the Senate by Mr Childress, their assistant secretary—Mr Speaker: the Senate have passed bills of the following titles, viz. which originated in the house of Representatives: An act for the relief of Cas-

sandra Kelly; an act to authorize Levi Williams to erect mills on the Coosa river, and have amended the same as therein shewn: an act to repeal an act now in force confining the collection of debts before a justice of the peace in the beat where the contract was made, so far as the county of Sumter is concerned; an act to incorporate the town of Paynesville, in the county of Sumter; they concur in the amendments of the House of Representatives to their joint resolutions. They have also adopted resolutions respecting the joint resolutions of the Legislature of Kentucky, in relation to the currency and the administration of the General Government.

The bill to authorize Levi Williams to erect mills on the Coosa river as amended by the Senate was read and the amendment concurred in. Ordered, that the clerk acquaint the Senate therewith.

The House took up the joint resolutions communicated by the message from the Senate, which were read and are as follows, to wit:

**JOINT PREAMBLE AND RESOLUTIONS** of the General Assembly of the State of Alabama responsive to certain Joint Resolutions of the Commonwealth of Kentucky, touching the Currency and Administration of the General Government.

Whereas, certain Joint Resolutions of the General Assembly of the Commonwealth of Kentucky, entitled "Joint Resolutions in relation to the Currency and the Administration of the General Government," have been communicated to this General Assembly by the Governor of this State, agreeably to a request preferred in said Joint Resolutions. These resolutions deplore the evils produced in the country by the general suspension of specie payments in May, eighteen hundred and thirty-seven; they charge these evils mainly to the acts of the late administration, especially to the veto of the bill rechartering the late Bank of the United States, the removal of the Deposites, and the Specie Circular. They charge the present Executive of the United States with a want of sympathy with the people, whom they are pleased to represent as "suffering;" and with cold indifference to the country, whose condition they are pleased to consider "lamentable;" and as being anxious only "to supply the wants of the Treasury and to protect the interests of the official corps." They denounce the Independent Treasury scheme as tending "to augment Executive power," "to the engrossment by the Executive of the United States of all the paper emissions," "to place in his possession or under his control a great portion of the specie of the country," "to abuse, waste, and corruption;" and finally, "to the union of the purse and sword;" and they express great satisfaction at the defeat of the bill having for its object the establishment of this system, at the last session of Congress. They express deep regret that the present Chief Magistrate of the United States, heedless of experience, as they pretend, is resolved to persevere in ruining the country, and destroying the liberties of the people. They declare that it is the duty of the Federal Government to secure a general medium of circulation of uniform value throughout the United States, and recommend a United States Bank as the most efficient means for the accomplishment of such an end. They charge the late Administration of the Federal Government with "wasteful extravagance," and the late President with "abuse, encroachments and usurpation;" and finally, they declare that "every consideration of safety, of interest, and pride of National character, demands a thorough reform of the Administration of the General Government." The General Assembly of the Commonwealth of Kentucky, in communicating in this form her own views and opinions on the various subjects to her sister States, it was doubtless intended and desired by the Commonwealth of Kentucky to elicit ours in return. In response to the General Assembly of the Commonwealth of Kentucky, touching the

**1st. Be it Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened,** That this State does not concur with the Commonwealth of Kentucky in the views and opinions expressed by the latter in her resolutions aforesaid, on any one of the prominent or important questions therein presented; but that on the contrary those views and opinions generally meet our decided dissent. We disagree with our sister Kentucky respecting the causes of the late suspension of specie payments, and its consequent evils, and insist that the same was mainly attributable to other causes than any action of the Federal Government. We eschew a National Bank in every form in which it can be presented, and heartily applaud the late President for the virtue and firmness with which he combated and finally overthrew that strong tower of federalism and aristocracy, the late Bank of the United States. We deny that it is either the right or the duty of the Federal Government to furnish a general currency for the country; the right and duty of that Government in this regard begin and end, as we conceive, with furnishing a currency standard of value, and with preserving and maintaining that standard by suitable regulations respecting her own receipts and disbursements. We consider the charge of want of sympathy with the people and of indifference to the interests of the country made against President Van Buren, as the mere ebullition of political animosity, without truth or reason to support it.

**2. Resolved,** That we esteem ourselves a prosperous, free and highly favored people, and cannot be persuaded either that we are "suffering," or that the condition of our country is "lamentable."

3. *Resolved*, That we admire, approve, and will cordially support the separation of Bank and State, and the establishment of an Independent Treasury; and confidently expect the intrinsic merits of this great measure ultimately to vindicate its claims with an intelligent and patriotic people, over selfishness, passion and political prejudice.

4. *Resolved*, That we have listened without emotion to the expressions of our sister Kentucky about "the union of the purse and the sword," and the ruin of the country and of liberty; the defeated and disappointed panic-makers of the last six years, have made such language trite and familiar.

5. *Resolved*, That we are satisfied with the present Administration and its leading measures. We want no reform and least of all such reform as our sister Kentucky would be likely to give us—a National Bank—a protective tariff—a grand and corrupting system of internal improvement by the Federal

6. *Resolved*, That we view with mingled sorrow and indignation the charge of "abuse, encroachments and usurpations," made against the venerable retired patriot of the Hermitage. Passion and prejudice may do their worst—he is beyond their reach. In the eloquent language of another, "he has carried the star of his civil fame to the highest point in the political firmament, there to remain forever, searing the eye-balls of envy, but cheering the heart and guiding the footsteps of patriotism and shedding its benign influence on the freedom, happiness, prosperity and glory of his country."

7. *Resolved*, That the Governor of this State be requested to forward a copy of the foregoing Preamble and Resolutions to the Governor of the Commonwealth of Kentucky, with a request that he will lay the same before the General Assembly of that Commonwealth.

The preamble and resolutions being under consideration, Mr Priest moved the previous question. Mr Moore of mad. moved to postpone the further consideration of the resolutions until to-morrow at 12 o'clock, noon, and that the same be made the special order for that time. Mr Burke moved to postpone the further consideration of the resolutions till the 1st Monday in February next, and the question having been taken thereon, it was decided in the negative. Yeas 41, nays 44.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Abercrombie Baldwin Baker Bates Blassingame Bolling, Burke Clifton of D. Cook of L. Crawford, Crayton, Crenshaw, Earle, Esse/man Garner, Hampton, Henderson, Hilliard Hogg Jones of B. Jones of C. Jones of P. Kennedy McAlpin of G. McClanahan of S. Mitchell Moore of mar. Neely Peters Phillips, Porter, Priest, Rutherford, Simmons Tarver Walker Williams of T. Withers Wright and Young.

Those who voted in the negative are, messrs Speaker, Booth, Boston, Carmack, Clifton of C. Creagh, Douglass, Finley Godbold Golding Hall Hammond Hancock Harrison, Hollis, Holly Lipscomb Martin Mason McAlister, McAlpin of M. McClanahan of m. McConnell McKnight, McMillion, Mills Morris Morrow, Murphy Payne Philpot Rogan Shields Shortridge Smith of m. Smith of D. Taylor of F. Vining Warren, Weissinger, Williams of J. Wilson and Wynn.

Mr Hilliard insisted that the question recurred on the motion of Mr Moore of mad. to postpone until to-morrow. Mr Speaker (Mr Shields in the Chair) decided that as a vote was just taken on a question of postponement to a day certain, it was out of order. Mr Hilliard appealed from the decision, and the question having been taken, 'will the House sustain the decision of the chair,' it was decided in the affirmative. The question then recurred on the motion of Mr Priest, for the previous question, and was sustained. So the House determined that the main question be now put. The main question being, 'shall the resolution be adopted,' Mr Moore of mad. called for a division of the question, which was ordered on each resolution separately. The question 'shall the first resolution be adopted,' was decided in the affirmative. Yeas 48—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Booth Boston Carmack Clifton of c. Cook of L. Creagh Douglass Finley Godbold Golding Hall Hammond Hancock Harrison Henderson High Hollis Jones of c. Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McConnel McKnight McMillion Mills Morris Morrow Moore of mad. Murphy Payne Philpot Rogan Searcy Shields Shortridge Simmons Smith of D. Smith of m. Taylor of F. Vining Warren Weissinger Williams of J. Wilson Withers and Wynn.

Those who voted in the negative are, messrs. Speaker Abercrombie Andress Baldwin Baker Bates Bolling Burke Crawford Crenshaw Earle Ellis Garner Hampton Jones of B. Jones of P. Kennedy McAlpin of G. McClanahan of S. Mitchell Moore of mar. Neely Phillips Porter Priest Rutherford Simmons Williams of T. and Young.

The question 'shall the second resolution be adopted,' was decided in the affirmative. Yeas 59—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Speaker Baker Booth Boston Burke Carmack Clifton of C. Cook of L. Crayton Creagh Douglass Finley Godbold Golding Hall Hammond Hampton Hancock Harrison Henderson High Holly Jones of C Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of m. McClanahan of m. McConnell McKnight McMillion Mills Morris Morrow Moore of mad. Murphy Payne Philpot Priest Rogan Sear-

cy Shields Shortridge Smith of D. Smith of m. Taylor of F. Vining Warren Weissinger Williams of J. Williams of T. Wilson Withers Wynn and Young.

Those who voted in the negative are, messrs. Abercrombie Bates Crawford Earle Ellis Garner Jones of B. Jones of P. Kennedy Mitchell Moore of mar. Neily Phillips Porter Simmons.

The question 'shall the third resolution be adopted,' was decided in the affirmative. Yeas 47—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are messrs Booth Boston Carmack Clifton of c. Cook of L. Creagh Douglass Finley Godbold Golding Hall Hammond Hancock Harrison Henderson High Holly Jones of C. Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McConnel McKnight McMillion Mills Morris Morrow Murphy Payne Philpot Rogan Searcy Shields Shortridge Smith of D. Smith of m. Taylor of F. Vining Warren Weissinger Williams of J. Wilson Withers and Wynn.

Those who voted in the negative are messrs. Speaker Andress Baldwin Baker Bates Bolling Burke Crawford Crayton Crenshaw Earle Ellis Garner Hampton Jones of B. Jones of P. Kennedy McAlpin of G. McClanahan of S. Mitchell Moore of mad. Moore of mar. Neily Phillips Porter Priest Simmons Williams of T. and Young.

The question being on the adoption of the fourth resolution, mr Crenshaw called for a division of the question, which was ordered on the first clause of the resolution to, and including the word 'liberty,' when it occurs. The question 'shall the first clause of the resolution be adopted,' was decided in the affirmative. Yeas 49—Nays 26.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Booth Boston Carmack Clifton of c. Cook of L. Creagh Douglass Finley Godbold Golding Hall Hammond Hancock Harrison Henderson High Holly Jones of c. Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McConnel McKnight McMillion Mills Morris Morrow Moore of mad. Moore of mar. Murphy Payne Philpot Rogan Searcy Shields Shortridge Smith of D. Smith of m. Taylor of F. Vining Warren Weissinger Williams of J. Wilson Withers and Wynn.

Those who voted in the negative are, messrs. Speaker Abercrombie Andress Baldwin Baker Bates Burke Crawford Crayton Crenshaw Earle Ellis Garner Hampton Jones of B. Jones of P. Kennedy McClanahan of S. Mitchell Neily Phillips Porter Priest Simmons Williams of T. and Young.

The question 'shall the second clause of the resolution be adopted,' was decided in the affirmative. Yeas 48—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Booth Boston Carmack Clifton of C. Creagh Crenshaw Douglass Finley Godbold Golding Hall Hammond Hancock Harrison High Holly Jones of C. Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McConnel McKnight McMillion Mills Morris Morrow Murphy Payne Philpot Rogan Searcy Shields Shortridge Smith of D. Smith of m. Taylor of F. Vining Warren Weissinger Williams of J. Wilson Withers and Wynn.

Those who voted in the negative, are Messrs Andress Bates Crayton Earle Ellis Garner Jones of B. Jones of P. Kennedy Mitchell Neily Phillips Porter Priest Simmons Williams of T. and Young.

The question being on the adoption of the fifth resolution, mr Burke called for a division of the question which was ordered on the first clause to, and including the word 'reform' where it occurs. The question 'shall the first clause of the resolution be adopted,' was decided in the affirmative. Yeas 46—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are Messrs Booth Boston Carmack Clifton of C. Douglass Finley Godbold Golding Hall Hammond Hancock Harrison Henderson High Holly Jones of C. Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McConnel McKnight McMillion Mills Morris Morrow Moore of mad. Murphy Payne Philpot Rogan Rutherford Searcy Shields Shortridge Smith of D. Smith of m. Taylor of F. Vining Warren Williams of J. Wilson Withers and Wynn.

Those who voted in the negative are messrs Speaker Andress Baldwin Baker Bates Bolling Burke Cook of L. Crawford Crayton Creagh Crenshaw Earle Ellis Garner Jones of B. Jones of P. Kennedy McAlpin of G. McClanahan of S. Mitchell Moore of mar. Neily Phillips Porter Priest Simmons Weissinger Williams of T. and Young.

The question 'shall the second clause of the fifth resolution, including all after the word 'reform' be adopted,' was decided in the affirmative. Yeas 54—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Baker Booth Boston Carmack Clifton of C. Cook L. Crayton Creagh Douglass Earle Finley Godbold Golding Hall Hammond Hancock Harrison Henderson High Holly Jones of C. Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McConnel McKnight McMillion Mills Morris Morrow Moore of mad. Murphy Neily Payne Philpot Rogan Rutherford Searcy Shields Shortridge Smith of D. Smith of m. Taylor of F. Vining Warren Weissinger Williams of J. Wilson Withers and Wynn.

Those who voted in the negative are Messrs Andress Crenshaw Jones of B. Kennedy McAlpin of G. Mitchell Moore of mar. Porter Williams of T. and Young.

The question 'shall the sixth resolution be adopted,' was decided in the affirmative. Yeas 49—Nays 21.

The Yeas and nays being desired, those who voted in the affirmative are, messrs. Speaker Baker Bates Booth Boston Carmack Clifton of c. Douglass Finley Godbold Golding Hall Hammond Hancock Henderson High Holly Jones of c. Lipscomb Martin Mason McAllister McAlpin of m. McClanahan of m. McClanahan of S. McConnel McKnight McMillion Mills Morris Morrow Moore of mad. Murphy Payne Philpott Rogan Rutherford Searcy Shields Shortridge Smith of D. Smith of m. Taylor of F. Vining Warren Williams of J. Wilson Withers and Wynn.

Those who voted in the negative are, messrs. Andress Baldwin Cook of L. Crawford Crayton Crenagh Crenshaw Earle Ellis Garner Jones of B. McAlpin of G. Mitchell Moore of mar. Neily Phillips Porter Simmons Weissinger Williams of T. and Young.

The question 'shall the seventh resolution be adopted,' was decided in the affirmative. *Ordered*, That the clerk acquaint the Senate therewith.

The joint resolutions of the commonwealth of Kentucky, in relation to the currency and the administration of the general government, communicated in the message of the Senate, and referred in the foregoing resolutions, were read and are as follows:

Joint Resolutions in relation to the currency and the administration of the General Government.

1. *Resolved*, That General Assembly of the Commonwealth of Kentucky have seen with deep regret, the derangement in the currency and domestic exchanges, the general prostration of the commercial and manufacturing business, the reduction in the price of agricultural products of the people of this State, in common with the people of the United States, which occurred on the suspension of the banks to pay specie during the last spring, and which still continues to the great distress of the country.

2. *Resolved*, That this deplorable state of things has been, in the opinion of this General Assembly, mainly produced by improvident, rash and arbitrary acts and proceedings of the Executive branch of the Federal Government, commencing with the veto of the bill to re-charter the late Bank of the United States, followed by the removal of the deposits of the public money, contrary to law, from its assigned custody, and terminating in the Treasury Order, exacting specie in all payments for the public lands, which was issued not only without constitutional or legal authority, but in disregard of the known opinion of the Legislative branch of the General Government.

3. *Resolved*, That the General Assembly have seen with surprise and regret, that the present Executive of the United States, instead of manifesting becoming sympathy with a suffering people, and recommending measures to relieve them, and restore that prosperity of which they have been wantonly deprived by the administration of his predecessor and himself, has exhibited, in his late message to Congress, a cold indifference to the lamentable condition of the country, and a solicitude only to supply the wants of the Treasury, and to protect the interests of the official corps.

4. *Resolved*, That the system of Sub-Treasuries, proposed by the President of the United States, is a dangerous innovation, tending to augment the Executive power to an alarming extent, to the engrossment, by the Executive of the United States, of all the paper emissions; to place in its possession, or under its control, a great portion of the specie of the country; to abuse, waste and corruption; and finally, to the consummation of that perilous union of the purse and the sword in the hands and under the power of one man, at the imminent hazard of the purity and the very existence of our free institutions.

5. *Resolved*, That the people and their government are one and indivisible, and that any attempt to separate them, in interests, in currency, or in fortune, can only proceed from insensibility or infidelity to the duties of the relation in which they stand to each other.

6. *Resolved*, That the General Assembly have seen, with great satisfaction, that a measure fraught with such fatal danger as the experiment of Sub Treasuries, was defeated at the late session of Congress, by the vote of the immediate representatives of the people, and protesting, as the General Assembly now do, *solemnly* against it if it shall again be proposed, they request their Senators and Representatives of the State of Kentucky, in Congress, to continue to oppose its adoption with the utmost of their zeal and ability.

7. *Resolved*, That the General Assembly have seen with painful regret, that the Executive of the United States, profiting neither by his own experience nor that of his predecessors, appears resolved to persevere in a series of experiments and untried expedients, fatal to the prosperity and dangerous to the liberties of the people.

8. *Resolved*, That it is the duty of the General Government to secure a general medium of circulation, of uniform value, throughout the United States; and that the State of Kentucky has a deep interest in the faithful performance of that duty.

9. *Resolved*, That all experience has attested that the agency of a well regulated Bank of the United States, administered by a corporation blending public and private interests, and under

public and private control, is best adapted to furnish and maintain a sound currency, to facilitate and render uniform domestic exchanges, and to inspire general confidence.

10. *Resolved*, That the administration of the General Government, of late years, has been characterized by wasteful extravagance, insomuch that the expenditures of the Government have risen in the short space of eight years, from about thirteen millions to the enormous sum of thirty-two millions of dollars.

11. *Resolved*, That the General Assembly have beheld with surprise, and just alarm, the abuse, encroachments and usurpations of the Executive Department of the General Government, since the election of the late President of the United States, in the universal proscription of all who do not conform to the creed of the dominant party; in a new and fearful version of the power of dismission from office; in the illegal and arbitrary removal of the public deposits; in the suppression of bills which had passed both Houses of Congress, thereby preventing the exercise of the Constitutional check upon the veto power; in the promulgation of an edict, by which, an unconstitutional discrimination was made between payments by a common people into the Public Treasury, and finally in procuring, through its influence and partizans, the violation of a public record, the common property of the present generation, and of posterity, the faithful preservation of which was solemnly enjoined by the Constitution of the United States.

12. *Resolved*, That the Executive Department of the General Government, ought to be subjected to just restraint, and brought back to its constitutional limits; that economy, retrenchment and reduction, in the expenditure of the public treasure should be enforced, and that every consideration of safety, of interest, and pride of National character, demands a thorough reform in the administration of the General Government.

13. *Resolved*, That the Governor of this Commonwealth be requested to transmit a copy of the preceding resolutions to each of the Governors of the several States of the Union, with a request to lay them before the Legislatures of their respective States; and also, a copy to each of the Senators and Representatives of the State of Kentucky, in the Congress of the United States, to be laid before their respective Houses.

ROBERT P. LETCHER, Speaker of the House of Representatives.

CHARLES A. WICKLIFFE, Speaker of the Senate.

Approved, January 27, 1838.

JAMES CLARK.

By the Governor: JAMES M. BULLOCK, Secretary of State.

Mr Martin made the following report: The select committee formed under, and to whom was referred the following resolution, viz: *Resolved*, That a select committee consisting of the delegation from each of the counties in the ninth judicial circuit be appointed to continue the investigation of the misconduct of Thomas A. Walker, solicitor of that circuit, commenced at the last session of the Legislature; and that said committee have power to send for persons and papers, have fully considered the same, and have instructed me to make the following report, in which they ask the concurrence of the House.

Your committee in directing their investigations into the official conduct of Thomas A. Walker, solicitor of the ninth judicial circuit, under the above resolutions have done so upon the relation of Wm. P. Moony, and others, et. al, citizens of the county of DeKalb, not only with a full view of the responsibility imposed upon them, but with a view to the careful exercise of that constitutional power vested in the Legislative department, for the removal of all civil officers who violate official obligations. By the 3d section of the 5th article of the constitution under the head of impeachments, it is declared that "the Governor and all civil officers shall be liable to impeachment for any misdemeanor in office." The office of a solicitor being of a civil character, and consequently embraced in the foregoing clause of the constitution, and it being the only one which places the removal of that class of officers in the hands of the Legislature, it is to be done alone by impeachment. It being therefore the opinion of this committee that that officer cannot be removed by address under any constitutional provision, either express or implied. They have been more latitudinous in their investigation than they otherwise would have been. By the 2d section of an act of the General Assembly, passed in eighteen hundred and nineteen, it is made the duty of the Solicitor to prosecute all offences against the State, and all civil suits in which the State is a party, in their respective circuits; this being the only statutory duty imposed upon that class of officers by the Legislature, recourse must be had to common law principles to ascertain and define official misdemeanors from an examination into which this committee feel themselves relieved from the fact that the testimony examined, taken down, and hereto appended, discloses no offence known to exist either against the State, or the right of individuals. It is deemed by your committee unnecessary to define the many omissions of duty of which this class of officers may be guilty, but at the same time must be permitted to deprecate the practice, too often engaged in by prosecuting officers, of permitting offenders to plead guilty, and at their suggestion having (by the court) a nominal fine assessed



against such defendant; it is in one sense of the word interposing their influence against the unrestrained administration of justice, an offence against strict official duty; and however reprehensible in a moral point of view, the conduct of the officer in question may be, yet it is of a character not tangible, either by judicial or legislative investigation. Your committee might, perhaps, with great propriety point out all the legal bearing of the testimony of each witness, and the influence which that testimony had upon their minds, but feel themselves not required to do so, inasmuch as the House is to judge of its sufficiency in sustaining the conclusion to which they have arrived. In applying the facts disclosed by the testimony of John Lyon, King H. Willeford, Willingly Hammock, and at the same time connecting it with the testimony of John Cunningham, clerk of the circuit court of DeKalb county, and the record evidence to the law of the case, this committee are of the opinion that the said Thomas A. Walker, solicitor of the ninth judicial circuit in the State of Alabama, is guilty of no offence which authorizes an impeachment, and his removal from office—all of which is most respectfully submitted; which report was by the House concurred in.

Mr Carmack from the select committee to which was referred the petition of sundry citizens of the county of Lauderdale, in relation to the election of an assessor and tax collector, reported that it is inexpedient to legislate on the subject; in which report the House concurred.

Mr Abercombie from the select committee to which was referred the petition of sundry persons of township eighteen range twenty-five, and township nineteen range twenty-six, in Macon county, and township nineteen range twenty-seven, in Russell county, asking indulgence for the purchasers of the school sections in their respective townships, reported a bill for the relief of certain persons therein named; which was read the first time and ordered to a second reading.

Mr Abercombie from the select committee, to which was referred the account of Charles F. W. Miller, reported a bill for the relief of Charles F. W. Miller; which was read the first time and ordered to a second reading.

Mr Godbold from the select committee, to which was referred the petition of sundry citizens praying for additional compensation for the branch pilots of Mobile Bay, reported a bill regulating the compensation of the Branch pilots in Mobile Bay; which was read the first time, and ordered to a second reading.

Mr Godbold from the select committee, to which was referred the petition of sundry citizens praying for the passage of a law to promote the culture of silk, reported a bill to promote the culture of silk; which was read a first time and ordered to a second reading.

Mr Lipscomb from the select committee to which was referred the joint memorial to the Congress of the United States on the subject of the Muscle Shoals canal, reported the same to the House with the following amendments—strike out from the beginning of the 19th line to the word ‘appropriated’ in the 21st line inclusive; also, strike out from the word ‘lands’ in the 24th line to the end of the 28th line, in which report the House concurred. Mr Finley moved that the memorial be laid upon the table; which was carried.

Mr Lipscomb from the select committee, to which was referred the petition of the harbour master and port wardens of the harbour of Mobile, reported a bill to amend the laws now in force in relation to the harbour of Mobile; which was read the first time and ordered to a second reading.

The hour of 12 o’clock having arrived, Mr Priest moved to suspend the orders of the day for the purpose of offering a resolution; which was carried.

Mr Priest then offered the following resolution: *Resolved*, That the evening sessions of this House during the present week, shall be devoted to the consideration of the general orders of the day.

Mr Porter offered the following resolution: *Resolved*, that this House will at 10 o’clock, A. M. on Tuesday, Wednesday and Thursday, and proceed with

them on those entire days, without taking up any other business; both of which lie over one day for consideration.

The house then proceeded to the orders of the day, and took up the bill from the Senate to reduce the number of Directors of the State bank and the several branches, being a special order, the bill was read the second time. Mr Godbold moved to amend the bill so as to provide that eight directors should be elected for the Branch bank at Mobile. Mr Hilliard moved to amend the amendment by striking out the word 'six' where it occurs in the bill with a view to insert in lieu thereof 'eight,' a division of the question was called for, and the question being first on striking out—Mr Baker moved to lay the bill on the table.

A message was received from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate has passed a bill of the following title, an act to improve the navigation of the Alabama, Cahawba, Tallapoosa, Tombigby, Black Warrior, Conecuh, Paint Rock, and Elk rivers, in which they ask the concurrence of your honorable body. And then the House adjourned till three o'clock, P. M.

*Afternoon Session, Monday, January 14th, 1839.*—Mr Phillips moved to suspend the subject under consideration, for the purpose of offering a resolution; which was carried. Mr Phillips then offered the following resolution; which was adopted: *Resolved*, That the doorkeeper be, and he is hereby required to ventilate this hall by letting the upper sash of the windows down a suitable distance.

The house then resumed the consideration of the bill to reduce the number of Directors of the State Bank and Branch banks. The question being on the motion of Mr Baker to lay the bill on the table, was decided in the negative. The question then recurred on the motion of Mr Hilliard, as divided, first to strike out 'six' where it occurs in the bill, and was decided in the negative. Yeas 23, nays 50.

The yeas and nays being desired those who voted in the affirmative are messrs. Speaker Abernethie Andress Baldwin Baker Blassengame Esselman Finley Godbold Golding Hampton Hogg Jones of B. Kennedy Moore of mar. Porter Priest Rutherford Tarver Walker Weissinger Wilson and Wright.

Those who voted in the negative are messrs Bates Bolling Booth Boston Burke Carmack Clifton of C. Clifton of D. Cook of L. Crayton Creagh Crenshaw Douglass Earle Garner Hammond Hancock Henderson Holley Jones of C. Lipscomb Martin McAlister McAlpin of G. McClanahan of m. McClanahan of S. McKnight McMillion Morris Morrow Moore of mad, Murphey Neiley Payne Peters Phillips Philpot Rogan Shields Shertridge Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Vining Warren Williams of J. Williams of T. and Wynn.

Mr McAlpin of G. moved to amend the bill by two sections, numbered two and three. Mr Porter moved to amend the amendment by inserting after the word 'branch' where it occurs 'or in any stock bank in this State;' which was lost. The first section proposed by Mr McAlpin of G. as an amendment, was then adopted. Mr Phillips moved to amend the second section proposed by Mr McAlpin of G. as an amendment by inserting after the word 'Whatsoever,' the following, 'that they will not vote for or support, the discount of any paper offered in said bank, where they may expect to receive any portion of the proceeds, in payment of any debt or demand that may be due them, at the time or that may thereafter become due them;' which was accepted by Mr McAlpin of G. Mr Weissinger moved to amend the amendment by inserting after the word 'agent' the words 'receiving compensation therefor;' which was lost. The amendment of Mr McAlpin of G. as amended, was then adopted. Mr Shields moved to dispense with the constitutional rule, requiring bills to be read on three several days, for the purpose of giving the bill a third reading forth-

with; which was carried. The bill was then read a third time. Mr Lipscomb moved to amend by way of engrossed rider with two additional sections, to wit:

*And be it further enacted*, That the Governor of the State of Alabama shall each and every year nominate for the Branch of the Bank of the State of Alabama at Mobile, six names of persons to serve for one year, as Directors for said Branch Bank.

*And be it further enacted*, That both Houses of the Legislature shall convene as soon thereafter as may be convenient, and by joint vote approve or disapprove the nomination so made; and the Governor, shall nominate other persons from time to time, in the place of those rejected by joint vote as aforesaid, and the two Houses shall in like manner by joint vote continue to approve or reject, until the Board has been filled.

And the question having been taken on the adoption of the amendment, it was decided in the negative. Yeas 15, nays 63.

The yeas and nays being desired, those who voted in the affirmative are, messrs Boston Creagh Douglass Godbold Hammond Lipscomb Martin McAlister Morris Moore of Mar. Payne Rogan Searcy Shortridge and Wynn.

Those who voted in the negative are, messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Burke Carmack Clifton of D. Cook of L. Creagh Crenshaw Earle Ellis Esselman Finley Garner Golding Hall Hampton Hancock Henderson High Hogg Holly Jones of B. Jones of C. Kennedy Mason McAlpin of G. McClanahan of m. McClanahan of S. McKnight McMillion Mitchell Morrow Moore of mad. Murphy Neily Peters Phillips Philpot Porter Priest Rutherford Shields Simmons Smith of D. Smith of m. Tarver Taylor of F. Taylor of m. Vining Walker Warren Weissenger Williams of J. Williams of T. Wilson and Wright.

Mr Abercrombie moved to amend the bill by way of engrossed rider, as follows:

*Sec. And be it further enacted*, That the Directors of the State Bank, the Branch Bank at Huntsville, the Branch Bank at Decatur, and the Branch Bank at Montgomery, shall each receive the sum of fifteen hundred dollars for their services; and the Directors of the Branch Bank at Mobile, two thousand dollars, in like consideration.

Mr Shields moved the previous question, which was sustained. Yeas 53, nays 24.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Address Bates Blassingame Bolling Boston Burke Carmack Clifton of C. Crawford Crayton Creagh Douglass Ellis Esselman Garner Godbold Hammond Hancock Henderson Holly Jones of C. Lipscomb Martin McAllister McAlpin of G. McAlpin of m. McClannahan of m. McClanahan of S. McConnell McKnight McMillion Morris Morrow Moore of mad. Murphy Payne Peters Phillips Philpot Rogan Rutherford Searcy Shields Simmons Smith of D. Tarver Taylor of F. Taylor of m. Vining Warren Williams of J. Williams of T. Withers and Wynn.

Those who voted in the negative are messrs Abercrombie Baldwin Baker Booth Clifton of D. Crenshaw Earle Finley Golding Hall Hampton High Hogg Jones of B. Kennedy Mason Mitchell Porter Priest Shortridge Smith of m. Walker Weissenger Wilson and Wright.

So the House decided that the main question shall be now put.

The main question "Shall the bill pass?" was decided in the affirmative. Yeas 68, nays 14.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Bates Blassingame Bolling Boston Burke Carmack Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Hammond Hancock Henderson High Hogg Holly Jones of C. Kennedy Lipscomb Martin McAlister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of s. McConnell McKnight McMillion Mitchell Morris Morrow Moore of mad. Murphy Neily Payne Peters Philips Philpot Porter Rogan Rutherford Searcy Shields Shortridge Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Vining Warren Weissenger Williams of J. Williams of T. Withers and Wynn.

Those who voted in the negative are messrs Abercrombie Baldwin Baker Golding Hall Hampton Jones of B. Mason Moore of mar. Priest Tarver Walker Wilson and Wright.

Ordered, that the clerk acquaint the Senate therewith; and ask their concurrence.

Mr Burke moved to suspend the orders of the day for the purpose of offering a resolution; which was carried.

Mr Burke offered the following resolution:

*Resolved*, That the House will hold night sessions after the present instant, during the remainder of the session, for the purpose of attending the local business; which lies over one day for consideration.

The House took up the bill from the Senate to improve the navigation of the Alabama, Cahawba, Tallapoosa, Tombeckbee, Black Warrior, Conecuh, Paint Rock, and Elk rivers; which was read the first time. Mr Address moved to lay the bill on the table; which was lost. Yeas 22, nays 66.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Abercrombie Address Baker Booth Boston Carmack Cook of L. Crayton Douglass Esselman Garner Hammond Hampton Henderson Hollie Lindsey McClanahan of m. McKnight Moore of mad. Philpot Tarver and Walker.

Those who voted in the negative are, messrs. Speaker Bates Blassengame Bolling Burke Clifton of C. Clifton of D. Crawford Creagh Earle Ellis Finley Godbold; Golding Hall Hampton Harrison High Hogg Holly Jones of B. Jones of C. Jones of P. Kennedy Martin Mason McAlpin of G. McAlpin of m. McClanahan of m. McConnell McMillion Mills Mitchell Morris Morrow Moore of mar. Murphey Neely Peters Phillips Porter Priest Rogan Rutherford Searcy Shields Shorridge Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Vining Warren Weissinger Williams of J. Williams of T. Wilson Withers Wright and Wynn.

The bill was then ordered to a second reading. Mr Lindsay asked leave of the House to record his vote on the passage of the bill from the Senate to reduce the number of Directors of the State Bank and the several Branch Banks; which was granted. Mr Lindsey then recorded his vote in the affirmative.

Mr Speaker laid before the house a communication from the President of the Bank of the State of Alabama, showing the condition of the three per cent fund, and the interest thereon; which was laid upon the table, and one hundred copies thereof ordered to be printed.

The House resumed the consideration of the bill to enable the President and Directors of the Bank of the State of Alabama and its several Branches, to secure the debts due said Banks; the question being on the adoption of the amendment offered by Mr Shields, as amended. Mr Hall moved the previous question—Mr Martin moved to lay the bill on the table, and the question having been taken thereon, it was decided in the negative. Yeas 33, nays 51.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Boston Carmack Clifton of C. Clifton of D. Cook of L. Crayton Creagh Douglass Garner Godbold Hammond Hancock Hollis Holly Jones of C. Kennedy Lipscomb Martin McAlpin of G. McAlpin of m. McClanahan of S. McKnight Mitchell Morris Payne Phillips Rogan Searcy Shields Shorridge Smith of D. Smith of m. Tarver Warren Williams of J. Williams of T. Withers Wynn and Young.

Those who voted in the negative are, messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Booth Burke Crawford Crenshaw Earle Ellis Esselman Finley Golding Hall Hampton Harrison Henderson High Hilliard Hogg Jones of B. Jones of P. Lindsey Mason McAlister McClanahan of m. McConnell McMillan Mills Morrow Murphey Neely Philpot Porter Priest Rutherford Shields Simmons Taylor of F. Taylor of m. Vining Walker Weissinger Wilson and Wright.

The question then recurred on the motion of Mr Hall for the previous question, and decided in the affirmative—so the House decided that the main question be now put. The main question, 'Shall the bill be engrossed for a third reading on to-morrow?' was taken and decided in the affirmative. Yeas 49, nays 41.

The yeas and nays being desired, those who voted in the affirmative, are messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Booth Burke Crawford Crenshaw Earle Ellis Esselman Finley Golding Hall Hampton Henderson High Hilliard Hogg Jones of B. Jones of P. Lindsey, Martin Mason McAlister McClannahan of m. McConnell Mcmillan Morrow Moore of mar. Murphy Neely Peters Philpot Porter Priest Rutherford Simmons Taylor of F. Taylor of m. Walker Weissinger Wilson and Wright.

Those who voted in the negative are, messrs. Boston Carmack Clifton of C. Clifton of D. Cook of L. Crayton Creagh Douglass Garner Godbold Hammond Hancock Harrison Hollis Holly Jones of C. Kennedy Lipscomb McAlpin of G. McAlpin of m. McClanahan of S. McKnight Mills Mitchell Morris Moore of mar. Payne Phillips Rogan Searcy Shields Shorridge Smith of D. Smith of m. Tarver Warren Williams of J. Williams of T. Withers Wynn and Young.

Mr Shields introduced a bill to revive, alter and amend an act, entitled an act to incorporate the Demopolis and Woodville rail road company; which was read the first time, and on motion of Mr Shields laid on the table.

Mr McAlpin of m. introduced a bill to consolidate suits in this State, which was read the first time and ordered to a second reading.

Mr Hall introduced a bill to alter and amend the laws in relation to duelling and for other purposes therein named; which was read the first time and ordered to a second reading.

Mr Abercrombie introduced a bill to incorporate the Somerville Academy, in the county of Russell; which was read the first time and ordered to a second reading.

Mr Godbold introduced a bill to authorize Ward Taylor and his associates, to construct a certain road hereinafter designated; which was read a first time and ordered to a second reading.

Mr Crawford introduced a bill to amend an act entitled an act to incorporate the City of Alabama and Montgomery rail road company, approved the 25th

December, 1836, which was read a first time and ordered to a second reading.

Mr Crawford introduced a bill to incorporate the trading and importing company of Alabama, which was read a first time and ordered to a second reading.

Mr McMillion introduced a bill concerning the sale of ardent spirits, and to prevent the collection by law of all debts contracted in the purchase thereof in this State; which was read a first time and ordered to a second reading.

The House adjourned until to-morrow at half past 9 o'clock.

*Tuesday January 15th, 1839.*—A message was received from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate have passed bills which originated in the House of Representatives, of the following titles, viz: An act to incorporate the Light Artillery Borderers, and have amended the same as therein shewn; an act to amend an act passed 23d December, 1837; declaring Sipsey river a public highway; an act the better to provide for the advertising lands and negroes levied on by the sheriff of Dallas county. They have also passed bills which originated in the Senate, of the following titles, viz: An act concerning the revenue of Marshall and Jackson counties; an act to regulate the time of holding the courts of the sixth judicial circuit; an act to prescribe the duties of the Attorney General and for other purposes; an act amendatory of the laws in relation to escheats; in which they ask the concurrence of your honorable body.

Mr Phillips rose and announced to the House the death of the Hon. Uriah Grigsby, a representative from the county of Dallas; who departed this life on yesterday evening. Mr Phillips concluded by offering the following resolutions, which were adopted:

1st. *Resolved*, That this House do deeply deplore the sudden death of Dr Uriah Grigsby, a member of this body, from Dallas county.

2d. That we sympathise with his bereaved consort in the misfortune that has befallen her, in this painful dispensation of Providence.

3d. That we will attend the funeral rites of the deceased, and will wear the usual badge of mourning round the left arm for thirty days.

4th. That a committee be appointed on the part of this House to act with such committee as may be appointed on the part of the Senate, to make the necessary funeral arrangements.

5th. That the members of this House will meet in the Representative Hall, at half after two o'clock, P. M., for the purpose of forming a funeral procession.

6th. That the Speaker of this House transmit to the widow of the deceased, a copy of these resolutions.

Whereupon, messrs. Phillips, Clifton of D. Weissinger and Porter were appointed the committee, on the part of the House. Ordered, that the clerk acquaint the Senate therewith. And then the House adjourned till to-morrow at half past nine o'clock.

*Wednesday January 16th, 1839.*—The House took up the following bills communicated to this House on yesterday, by a message from the Senate: The bill to incorporate the Light Artillery Borderers as amended by the Senate, which was read and the amendments concurred in: ordered that the Clerk acquaint the Senate therewith.

Bills from the Senate; to regulate the time of holding the courts of the sixth judicial circuit; the bill concerning the revenue of Marshall and Jackson counties; the bill amendatory of the laws in relation to escheats, and the bill to prescribe the duties of the Attorney General and for other purposes, were severally read a first time and ordered to a second reading.

Mr Simmons presented the account of Edward Lee, sheriff of Bibb bounty, for making return of the Congressional election, which was read and referred to the committee on accounts.

Mr. Taylor of F. presented the account of George M. Hubbert, sheriff of

Fayette county, for holding and making return of Major and Brigadier Generals election, which was read and referred to the committee on accounts.

Mr Wynn presented the memorial of sundry citizens of Limestone county, on the subject of intemperance: which was read and referred to the committee on propositions and grievances.

Mr Lipscomb presented the petition of sundry citizens of Mobile and Baldwin counties, praying the passage of a law authorising John Grant to cut a channel through the shoal or shell reef, which was read and referred to a select committee, consisting of the delegation of Mobile and Baldwin counties.

Mr Crawford presented the petition of sundry citizens of Monroe county, on the subject of locating the county site of Monroe county at Claiborne, which was read and referred to a select committee, consisting of the delegation of Monroe county.

Mr Williams of T. presented the accounts of M. D. J. Slade and James Rather, which were severally read and referred to the committee on accounts.

Mr Earle from the committee on education, to which was referred a bill for the establishment and support of preparatory schools in the several counties in this State, reported it back to the House with the following amendments: strike out of the first section all after the enacting clause and insert the following, 'that it shall be the duty of the Governor, as soon after the passage of this bill as convenient, to appoint five suitable persons in each county in this State, to act as academy commissioners, who shall hold their offices for three years from the date of their appointment;' also to strike out the word 'gross' where it occurs in this bill and insert 'net,' which several amendments were by the House concurred in. Mr Earle moved to strike out the words 'some of' where they occur before the words 'its branches,' which was carried. Mr Moore of mad. moved to refer the bill to a select committee, which was carried; whereupon messrs Moore of mad. Earle and Young were appointed said committee.

Mr McClanahan of S. from the committee on enrolled bills reported that they have examined and find correctly enrolled bills of the following titles: an act to amend and consolidate the laws in relation to county Treasurers: an act to incorporate the Liekaa Academy: an act for the relief of Cassandra Kelly: an act to authorize Levi Williams to erect mills on the Coosa river: an act to authorize Hazel Littlefield, to erect a grist and saw mill on the east bank of the Coosa river in the county of Benton and for other purposes: an act to compensate the commissioners of roads and revenue in the counties of Jefferson, Shelby and DeKalb: an act to divorce John P. Hall from his wife Mary Hall; an act to divorce Caroline L. Neily from her husband Jubal L. Neily; an act to divorce Eliza A. F. Anderson from her husband Edmund R. Anderson; an act to divorce Martha Roberts from her husband William Roberts; and an act to divorce John Youngblood from his wife Eliza Jane Youngblood.

Mr Cook of L. from the committee on ways and means, to which was referred a resolution, instructing an inquiry into the expediency of taking some immediate steps to procure a reimbursement from the United States of the large amount of money, which this State has paid in consequence of Indian hostilities, reported a joint memorial to the Congress of the United States, which was read. Mr Morris moved to strike out the word 'for' where it occurs in the first resolution, which was carried. The joint memorial was then adopted—ordered that the clerk acquaint the Senate therewith.

Mr Williams of T. from the committee on the judiciary to which was referred a bill to be entitled an act providing for the call of a convention of the State of

Alabama to alter and amend the constitution of said State, have had the same under consideration, and believe said bill to be contrary to the State constitution. The preamble of the bill proposes to amend the constitution by striking out that clause which relates to the location of the seat of Government, and the bill provides for the call of a convention. It will be seen on examination that the constitution has provided a mode of amending and revising the same; that the General Assembly, whenever two thirds of each House shall deem it necessary, may propose amendmements to the people, and if at the next general election for representatives, a majority of all the citizens of the State voting for representatives, have voted in favor of such proposed amendmements, and two thirds of each House of the next General Assembly shall ratify the same, it then becomes a part of the constitution. It will be found by examining the constitutions of the several States, some contain provisions similar to that in the constitution of the State of Alabama, others contain provisions for the call of a convention, and the mode pointed out by the constitution itself should be pursued and govern the Legislature; and as the constitution of the State has made no provision for the call of a convention, but the Legislature may propose such amendmements as they may deem proper, and as experience under its operation may require for the good of the State, the committee therefore consider the bill providing for the call of a convention to be unconstitutional and ought not to pass, and ask the concurrence of the House. Mr Lipscomb moved to recommit the bill, which was carried.

Mr Mason from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles viz: an act the better to provide for the advertising of lands and negroes, levied on by the sheriff of Dallas county, and an act to amend an act passed 23d December 1837, declaring Sipsey river, a public highway.

Mr Address from the committee on propositions and grievances, to which was referred the petitions of sundry citizens of Coosa county, praying that a vote may be taken on the location of the court house for said county, also counter petitions on the same subject, have reported that it appears from said counter petitions that the people of that county are averse to taking the vote on the court house question in said county at this time: therefore it is inexpedient to legislate on the subject, in which the house concurred.

Mr Address from the same committee, to which was referred the petition of Hugh B. Cameron, reported a bill for the relief of Hugh B. Cameron, which was read a first time and ordered to a second reading.

Mr Address from the same committee, to which was referred the petition of Levi Robins, reported a bill for the relief of Levi Robins, which was read a first time and ordered to a second reading.

Mr Weissinger from the committee on accounts, to which was referred the account of William Fasher, reported that it is inexpedient to allow the same, in which report the House concurred.

Mr Weissinger from the same committee, to which was referred the account of Levi Robins, reported that it is inexpedient to allow the same, in which report the House concurred.

Mr Lipscomb from the committee of conference, to which was referred the matter of difference between the Senate and House of Representatives, on the bill entitled an act to regulate judicial proceedings, reported that they recommended to the Senate to recede from its amendmements so far as it relates to the third section of the bill, and that the House concur in the amendmements made by



the Senate in striking out the second section, in which report the House concurred—ordered that the clerk acquaint the Senate therewith.

Mr Smith of M. from the select committee, to which was referred a bill to reduce the width of lanes on second and third grade roads in the counties therein named reported the same back to the House and recommends its passage. Mr Morris moved to amend by inserting, after the words 'width of' the words 'not less than;' and after the words 'twenty feet;' at the end of the first section add the words 'at the discretion of the commissioners court of the respective counties;' which was carried. Mr Baker moved to strike out all of the repealing clause, so far as it relates to the counties of Jackson, Lauderdale, Madison and DeKalb, which was carried, the bill as amended was then read a second time and ordered to be engrossed for a third reading.

Mr Neely from the select committee, to which was referred the petition of sundry citizens of Pickensville, praying an act of incorporation; reported a bill to incorporate the town of Pickensville in the county of Pickens, which was read a first time and ordered to a second reading.

Mr Rogan from the select committee, to which was referred the petition of sundry citizens of Blount and St. Clair counties, praying a portion of Blount county be attached to St. Clair, reported a bill to attach a portion of the territory of Blount county to St. Clair county, which was read a first time and ordered to a second reading.

Mr Morris from the committee on indian affairs, to which was referred the accounts of B. W. Carter and C. W. Baley for expenses going to and returning from Montgomery, reported the same as not sufficiently authenticated nor properly chargeable according to military usage, in which report the House concurred.

Mr Creagh moved to take from the table the accounts of Daniel T. Dyle, Thomas C. Bollow, Daniel Baugh, S. Williams, Neal, McClous King, John G. Lewis Franklin Tipton and Elijah Moncreif in order to have them referred to a select committee, which was carried. The accounts were then referred to a select committee of the delegation from Clark, Conecuh, Baldwin and Mobile counties.

The House took up the following resolution heretofore offered by mr Burke:

*Resolved*, That this House will hold night sessions after the present instant, during the remainder of the session, for the purpose of attending to local business. Mr Moore of mad. moved to lay the resolution on the table, which was lost. Yeas 24, nays 63.

The yeas and nays being desired those who voted in the affirmative are, messrs Baldwin Bolling Crenshaw Douglass Hall Hammond Harrison High Jones of P. Kennedy McAlpin of G. McMillion Meade Mitchell Moore of mad. Moore of mar. Payne Searey Smith of m. Tarver Williams of T. Withers Wynn and Young.

Those who voted in the negative are, messrs Speaker Abercrombie Andress Baker Bates Blassingame Booth Boston Burke Carinack Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Earle Ellis Esselman Finley Garner Golding Hampton Hancock Henderson Hogg Hollis Holly Jones of B. Jones of C. Lindsey Lipscomb Martin Mason McAlister McClanahan of m. McClanahan of S. McConnell McKnight Mills Morris Morrow Murphy Neiley Peters Phillips Philpot Porter Priest Rogan Rutherford Shortridge Simmons Smith of D. Sommers Taylor of F. Taylor of m. Vining Warren Weissenger Williams of J. Wilson and Wright.

Mr McClung, (mr Vining in the chair,) moved to amend by striking out all after the word 'session;' to insert 'for the purpose of considering the general orders of the day,' which was accepted by mr Burke; mr Morris moved to amend by adding that after the 20th instant, no new business be received, except petitions. Mr Jones of B. moved the previous question, which was sustained; so the House determined that the main question be now put. The main question 'shall the resolution be adopted;' was decided in the affirmative.

A message was received from His Excellency the Governor, by mr Gooch, his private Secretary.

*Executive Department, Tuscaloosa, Jan. 16th, 1839.*

*Gentlemen of the Senate and House of Representatives* :—I have the honor to lay before your honorable bodies a copy of the Resolutions, holden at Augusta, Georgia, in October last, and beg leave to recommend the said Resolutions, and the important subject to which they relate, to your respectful consideration.

A. P. BAGBY.

Hon. JAMES W. McCLUNG, *Speaker of the House of Representatives.*

Mr Porter moved to refer the message and documents to a select committee which was carried : whereupon messrs Porter, Young and Payne were appointed said committee.

The House then took up the resolutions heretofore offered by mr Porter, proposing regulations in the business of the House, and on motion was laid on the table. The House then took up the resolutions heretofore offered by mr Priest, proposing regulations in the business of the House—which was read, and on motion was laid on the table.

Mr Carmack moved to take from the table, the account of John P Booth, which was carried. mr Carmack moved that said account be referred to a select committee : which was carried. Whereupon messrs Carmack, Morris, and Garner, were appointed said committee.

Mr Abercrombie, who voted with the majority, moved to reconsider the vote taken to-day on the joint memorial to the Congress of the United States, which was carried. The memorial was then read. mr Abercrombie moved to amend by inserting after the word “late” the words “disturbances with a part of that tribe,” which was carried. mr Abercrombie moved to lay the joint memorial on the table : which was carried.

Mr Wilson, from the select committee, to which was referred the petition of sundry citizens of Jackson county, praying the repeal of an act incorporating the town of Bellefonte, reported the same back to the House, as inexpedient to legislate on the subject, at present, in which report the House concurred.

Mr Moore, of mar., introduced a bill to establish the Citizens Bank of the State of Alabama, which was read the first time. mr Harrison moved to postpone the further consideration of the bill, till the first day of February next.

The House then proceeded to the order of the day, and took up the bill to provide for the distribution of the three per cent fund, in proportion to the population of the several counties of this State, (it being the special order) which was read the second time. mr Phillips moved to postpone the further consideration of the bill till the first day of February next.

A message was received from the Senate by mr Childress, their assistant Secretary, mr Speaker. The Senate have concurred in the amendments made by the House to their bill, to be entitled an act to reduce the number of Directors to the State Bank and its several Branches, and the House adjourned till half past 3 o'clock, p. m.

*Afternoon Session, Wednesday January 16th, 1839.*—The House resumed the consideration of the bill to provide for the distribution of the three per cent fund, in proportion to the population of the several counties of this State : the question being on the motion of mr Phillips to postpone the further consideration of the bill till the first day of February next.

Mr. Abercrombie, moved a call of the House, which was sustained, when the following members answered to their names and were present :—

Messrs Abercrombie Baldwin Baker Bates Blassingame Bolling Booth Boston Carmack Clanton Clifton of D. Cook of E. Cook of L. Crawford Creagh Crenshaw Douglass Earle Ellis Esselman Finlay Garner Golding Hammond Hampton Hancock Harris Harrison Henderson High Hogg Holly Jones of

B. Kennedy Lipscomb Martin Mason McClannahan of m. McAlpin of G. McKnight McMillian Meade Mills Morrow Moore of Mad. Moore of mar. Murphy Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shortridge Simmons Smith of D. Smith of m. Sommers Tarver Taylor of F. Taylor of M. Vining Walker Warren Weissinger Williams of J. Wilson Wright Wynn and Young.

The bill under consideration when the call was ordered having been suspended under the rule.

The House took up the next special order, being the bill to alter and amend the Charter of the Bank of the State of Alabama and its several Branches. mr Lipscomb moved to postpone the further consideration of the bill until to-morrow at 12 o'clock, and that the same be made the special order for that time : which was carried.

The next special order being the bill to provide for a Geological Survey of the State of Alabama : which was read. mr. McClannahan of M., moved that it be indefinitely postponed : which was carried. Yeas 52, nays 33.

The yeas and nays being desired, those who voted in the affirmative are messrs. Andrew Bates Blasingame Boston Carmack Clifton of C. Cook of L. Douglass Earle Ellis Finley Garner Godbold Hammond Hancock Henderson High Hollis Holly Kennedy Lindsay Mason McAlpin of G. McClannahan of M. McClannahan of S. McKnight McMillian Mills Mitchell Morris Moore of mad. Murphy Neily Payne Peters Priest Rogan Rutherford Simmons Smith of D. Smith of M. Sommers Taylor of F. Taylor of m. Vining Walker Warren Williams of J. Wilson Wynn and Young.

Those who voted in the negative are messrs. Speaker Abercrombie Baldwin Baker Bolling Booth Burke Clifton of D. Crawford Crayton Creagh Crenshaw Esselman Hall Hampton Harrison Hilliard Hogg Jones of B. Lipscomb Martin McAllister Meade moore of mar. Phillips Philpot Porter Searcy Shields Shortridge Tarver Weissinger and Withers.

The House took up the next special order, to wit :—the bill to apportion the Representatives among the several counties in this State and to divide the State into Senatorial Districts according to the late census. mr Martin moved to recommit the bill with instructions to the committee, to report a bill providing that the county of Benton have one Senator. mr Booth moved to postpone the further consideration of the bill till to-morrow, and that it be made the special order for that time. mr Mason moved to postpone till the first day of February next, and then the House adjourned till 7 o'clock, p. m.

*Night Session, Wednesday, January 16th, 1839.*—Mr. Morris, who voted with the majority on the adoption of Burke's resolution providing for night sessions, moved a reconsideration of that vote, which was carried. mr Shields moved to lay the resolution on the table, which was carried. mr Priest moved to suspend the orders of the day, for the purpose of taking from the table a resolution which was carried. mr Priest then moved to take from the table a resolution regulating the sessions of the House, which was carried. mr Smith of M., moved to amend by striking out "evening" and inserting "afternoon" which was adopted by mr Priest. mr Shields moved to amend by inserting after "present" the words "and next" which was accepted by mr Priest. mr Wright moved to lay the resolution on the table, which was lost. mr Young moved to amend by adding "unless sooner disposed of" which was accepted by mr Priest. The resolution, as amended, was then adopted.

The House resumed the consideration of the bill to provide for the distribution of the three per cent fund, in proportion to the population of the several counties in this State : the motion of mr Phillips was withdrawn. mr Wright moved the previous question : mr Lindsay moved to postpone the further consideration of the bill until to-morrow at 12 o'clock, and that the same be made the special order of the day for that time. mr Wright moved to postpone the further consideration of the bill till the first day of February next : and the question having been taken thereon, it was decided in the negative. Yeas 33, nays 43.

The yeas and nays being desired those who voted in the affirmative are messrs. Speaker Bates Blasingame Clifton of C. Clifton of D. Creagh Ellis Hammond High Kennedy Lipscomb Martin Mc-

Alpin of G. McClannahan of S. McConnell McMillion mills Mitchell morris Neily Peters Phillips Porter Rogan Shortridge Smith of D. Smith of m. Simmons Weissinger Williams of T. Wright and Young.

Those who voted in the negative are, messrs. Abercrombie Andress Baker Booth Boston Burke Carmack Cook of L. Crayton Crenshaw Douglass Earle Finley Garner Golding Hall Hampton Hancock Henderson Hilliard Hogg Hollis Holly Jones of C. Lindsay mason McAlister McClanahan of m. McKnight Morrow moore of mad. murphy Philpot Priest Rutherford Shields Simmons Taylor of F. Vining Walker Warren Williams of J. Wilson and Wynn.

The question recurring on the motion of mr Lindsay : mr Warren called for a division of the question ; which was first taken on postponing the bill till to-morrow, and decided in the affirmative. The question finally recurred on making the bill the special order of the day and lost.

The House resumed the consideration of the bill to apportion Representatives among the several counties of this State, and divide the State into Senatorial Districts, according to the late census. The question being on the motion of mr Mason, to postpone the further consideration of the bill till the first day of February next ; mr Abercrombie moved a call of the House, which was refused. The question then recurred on the motion of mr Mason, and was decided in the negative. Yeas 31, nays 47.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Speaker Abercrombie Boston Carmack Clifton of D. Douglass Ellis Finley Hall Hancock High Hilliard Hogg Hollis Lindsay Mason McClanahan of m. McMillon Morrow Neily Philpot Rogan Rutherford Shortridge Smith of m. Taylor of F. Warren Weissinger Williams of J. Wilson and Wright.

Those who voted in the negative are, messrs. Andress Baker Bates Blassingame Booth Burke Clifton of c. Cook of L. Crawford Crayton Creagh Crenshaw Earle Garner Godbold Golding Hammond Hampton Henderson Holly Jones of c. Kennedy Lipscomb Martin McAlister McAlpin of G. McClanahan of S. McConnell McKnight Mills Mitchell Morris Moore of mad. Moore mar. Murphey Peters Phillips Porter Priest Shields Simmons Smith of D. Vining Walker Williams of T. Wright and Young

Mr. Martin moved to postpone the further consideration of the bill until to-morrow, and that the same be made the special order of the day : mr Abercrombie called for a division of the question ; which was first taken on postponing the bill and decided in the negative. mr Andress moved the previous question. mr Shortridge moved a call of the House. mr Booth moved that the House adjourn, which was lost. Yeas 35, nays 42.

The yeas and nays being desired those who voted in the affirmative are, messrs. Booth Clifton of C. Clifton of D. Crenshaw Finley Garner Hall Hammond Hancock High Hilliard Hogg Hollis Jones of C. Lindsay Martin Mason McAlister McClanahan of m. McConnell McMillion Mills Mitchell Morrow moore of mad. Philpot Rogan Rutherford Shields Shortridge Smith of m. Taylor of F. Williams of J. Wilson and Wynn.

Those who voted in the negative are, messrs. Speaker Abercrombie Andress Baker Bates Blassingame Boston Burke Carmack Cook of L. Crawford Crayton Creagh Douglass Earle Ellis Godbold Golding Hampton Henderson Holly Kennedy Lipscomb McAlpin of G. McClanahan of S. McKnight moore of mar. murphey Neily Peters Phillips Porter Priest Simmons Smith of D. Vining Walker Warren Weissinger Williams of T. Wright and Young.

The question recurred on the motion of mr Shortridge for a call of the House and lost. Yeas 35, nays 43.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Speaker Booth Boston Carmack Clifton of D. Crenshaw Douglass Finley Hall Hammond Hancock High Hogg Hollis Jones of C. Lindsay Martin Mason McAlister McClanahan of M. McConnell McMillion Mills Morrow Moore of mad. Philpot Rogan Rutherford Shields Shortridge Smith of M. Taylor of F. Williams of J. Wilson and Wynn.

Those who voted in the negative, are Messrs. Abercrombie Andress Baker Bates Blassingame Burke Clifton of C. Cook of L. Crawford Crayton Creagh Earle Ellis Garner Godbold Golding Hampton Henderson Hilliard Holly Kenedy Lipscomb McAlpin of G. McClanahan of S. McKnight Mitchell Morris Moore of Mar. Murphy Neily Peters Phillips Porter Priest Simmons Smith of D. Vining Walker Warren Weissinger Williams of T. Wright and Young.

Mr. McConnell moved that the House adjourn till to-morrow at half past 9 o'clock, which was lost. Yeas 33, nays 44.

The yeas and nays being desired, those who voted in the affirmative are messrs. Booth Boston Carmack Clifton of D. Crenshaw Douglass Finley Hall Hammond High Hilliard Hogg Hollis Jones of C. Lindsay Martin Mason McAlister McClanahan of m. McConnell McMillion Mitchell Morris Moore of mad. Philpot Rogan Rutherford Shields Shortridge Taylor of F. Williams of J. Wilson and Wynn.

Those who voted in the negative are, messrs Speaker Abercrombie Andress Baker Bates Blassin

game Burke Clifton of C. Cook of L. Crawford Crayton Creagh Earle Ellis Garner Godbold Golding Hampton Hancock Henderson Holly Kennedy Lipscomb McAlpin of G. McClannahan of S. McKnight Mills Morrow Moore of mar. Murphy Neily Peters Phillips Porter Priest Simmons Smith of D. Smith of m. Vining Walker Warren Weissinger Williams of T. Wright and Young.

The question being on the motion of mr Andress for the previous question. mr Shortridge moved to lay the bill on the table, and the question having been taken thereon, it was decided in the negative. Yeas 30, nays 50.

The yeas and nays being desired, those who voted in the affirmative are, messrs Boston Carmack Clifton of D. Esselman Finley Hall Hammond Hancock High Hogg Hollis Jones of c. Lindsay Martin Mason McAlister McClannahan of m. McMillion Morrow Morris Moore of mad. Philpot Rogan Rutherford Shields Shortridge Smith of m. Taylor of F Williams of J. and Wilson.

Those who voted in the negative are messrs. Speaker Abercrombie Andress Baker Bates Blassingame Bolling Burke Clifton of C. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Garner Godbold Golding Hampton Harrison Henderson Hilliard Holly Kennedy Lipscomb McAlpin of G. McClannahan of s. McConnell McKnight Mills Mitchell Moore of mar. Murphy Neily Peters Phillips Porter Priest Simmons Smith of D. Vining Walker Warren Weissinger Williams of T. Wright Wynn and Young.

Mr. Burke moved that the House adjourn till to-morrow, at half past 9 o'clock which was lost. Yeas 28, nays 51.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Boston Carmack Clifton of c. Clifton of D Crenshaw Douglass Hall Hammond Hogg Hollis Jones of C. martin Mason McAllister McClanahan of m. McConnel McMillion Mills Morris Moore of mad. Philpot Rogan Rutherford Shields Shortridge Sommers Williams of J. and Wilson.

Those who voted in the negative are, messrs. Speaker Abercrombie Andress Baker Bates Blassingame Bolling Burke Cook of L. Crawford Crayton Creagh Earle Ellis Esselman Finley Garner Godbold Golding Hampton Hancock Harrison Henderson High Holly Kennedy Lipscomb mcAlpin of G. McClannahan of S. McKnight Mitchell Morrow Moore of mar. Murphey Neily Payne Peters Phillips Porter Priest Simmons Smith of D. Smith of m. Taylor of F. Vining Warren Weissinger Williams of T. Wright Wynn and Young.

The question then recurred on the motion of mr Andress for the previous question and was sustained, so that the House determined that the main question be now put. The main question "shall the bill be engrossed for a third reading on to-morrow?" was decided in the affirmative. Yeas 47, nays 33.

The yeas and nays being desired, those who voted in the affirmative are messrs Andress Baker Bates Blassingame Bolling Booth Burke Clifton of C. Cook of L. Crawford Crayton Creagh Crenshaw Earle Garner Golding Godbold Hampton Harrison Henderson Holly Kennedy Lipscomb Martin McAlister McAlpin of G. McClannahan of S. McConnell McKnight mills mitchell moore of mar. murphy Payne Peters Phillips Porter Priest Shields Simmons Smith of D. Somners Vining Walker Williams of T. Wright and Young.

Those who voted in the negative are messrs Speaker Abercrombie Boston Carmack Clifton of D. Douglass Esselman Finley Hall Hammond Hancock High Hilliard Hogg Hollis Jones of C. mason McClannahan of m. mcmillion morris morrow moore of mad. Philpot Rogan Rutherford Shortridge Smith of m Taylor of F. Warren Weissenger Williams of J. Wilson and Wynn.

Mr Booth moved that the House do now adjourn till to-morrow at half past 9 o'clock, which was lost. Yeas 36—Nays 46.

The yeas and nays being desired, those who voted in the affirmative are Messrs Abercrombie Baker Bates Blassingame Bolling Burke Clifton of D. Cook of L. Creagh Earle Ellis Finley Garner Golding Hammond Henderson High Hilliard Hogg Holly Lipscomb Martin McAllister McAlpin of G. McKnight Mills Mitchell moore of mar. Payne Phillips Porter Shields Smith of D. Somners Walker and Wynn.

Those who voted in the negative are, Messrs. Speaker Andress Booth Boston Carmack Clifton of C. Crawford Crayton Crenshaw Douglass Esselman Golding Hall Hammond Hampton Harrison Hollis Jones of C. Kennedy Lindsey Mason McClanahan of m McClanahan of S. McMillion Morris Morrow moore of mad. murphey Neily Peters Philpot Priest Rogan Rutherford Shortridge Simmons Smith of m. Taylor of F. Vining Warren Weissinger Williams of J. Williams of T. Wilson Wright and Young.

The engrossed bill to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, was read the third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The engrossed bill for the improvement of the navigation of Elk river, was read the third time and referred to a select committee consisting of messrs Wynn High and Mills.

The engrossed bill to establish a board of commissioners for the improvement of the navigation of the Paint Rock river, and for other purposes thereto con-

nected, was read the third time, and on motion of mr Mason, referred to a select committee consisting of the delegation from the counties of Jackson and Madison.

Mr Burke moved that the House adjourn till to-morrow at half past 9 o'clock. The question having been taken thereon, it was decided in the affirmative. Yeas 57—Nays 25.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Speaker Abercrombie Andress Baker Bates Bolling Burke Clifton of C. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Finley Garner Godbold Golding Hampton Hancock Henderson Hilliard Hogg Holly Lipscomb Martin Mason McAlpin of G. McClanahan of m. McKnight McMillion Mills Morris Moore of mar. Payne Peters Phillips Porter Rogan Rutherford Shields Simmons Smith of D. Sommers Vining Walker Williams of T. Wynn and Young.

Those who voted in the negative are, messrs. Boston Carmack Esselman Hall Hammond Harrison Hollis Jones of B. Kennedy McClannahan of s. Mitchell Morrow Moore of mad. Murphy Neily Philpot Priest Shortridge Smith of m. Taylor of F. Warren Weissinger Williams of J. Wilson and Wright.

*Thursday, Jan. 17.*—A message was received from the Senate by mr Childress, their assistant Secretary. mr Speaker: The Senate have passed a bill which originated in the House of Representatives, of the following titles, to wit: An act to amend and revive an act incorporating the Fairfield and Macon rail road company, approved Dec. 23, 1839; they have passed bills which originated in the Senate of the following titles, viz: An act to amend an act limiting the number of auctioneers in the county of Mobile, and for other purposes; an act to amend an act entitled an act to incorporate the Tallasee bridge company; an act to authorize the Judge of the county court and commissioners of roads and revenue of Dallas county, to levy and collect an extra tax; an act to authorize the Judge of the county court of Lawrence county, to appoint a coroner in certain cases; an act to authorize the extension of the Tuscumbia, Courtland and Decatur rail road; an act to incorporate the Sipsey river navigation company, an act to provide for the payment of certain claims therein specified; an act to incorporate the Tuscumbia Female Academy; and an act to revive a certain act therein named, in which they ask the concurrence of your honorable body.—The Senate also concur in the recommendation of the committee of conference, to which was referred the matter of difference between the Senate and House of Representatives, on the bill entitled an act to regulate judicial proceedings, and recede from their amendment in relation to the third section of the bill.

The House took up the following bills as communicated from the Senate in the foregoing message, viz: The bill to amend an act limiting the number of auctioneers in the city of Mobile, and for other purposes, which was read a first time, mr McAlpin of m. moved that the constitutional rule requiring bills to be read on three several days, be dispensed with, and that the bill receive a second reading, which was lost. The bill was then ordered to a second reading on to-morrow.

The bill to amend an act entitled an act to incorporate the Tallasee bridge company; The bill to authorize the Judge of the county court and commissioners of roads and revenue of Dallas county, to levy and collect an extra tax; and the bill to authorize the Judge of the county court of Lawrence county, to appoint a coroner in certain cases, were severally read a first time and ordered to a second reading.

The bill to authorize the extension of the Tuscumbia, Courtland and Decatur rail road, was read a first time, mr Baker moved that the constitutional rule requiring bills to be read on three several days, be dispensed with, and that the bill receive a second reading, which was was lost.

The bill to incorporate the Sipsey river navigation company: the bill to provide for the payment of certain claims therein specified; the bill to incorporate the Tusculumbia Female Academy, and the bill to revive a certain act therein named, were severally read a first time and ordered to a second reading.

Mr McAlpin of m. presented the petition of sundry citizens of the city of Mobile, praying a new precinct to be established, which was read and referred to the committee on privileges and elections.

Mr Mason, from the committee on enrolled bills, reported that they have examined and find correctly enrolled, a bill to be entitled an act to reduce the number of directors of the State Bank and its several branches; also, enrolled joint resolution of the Senate and House of Representatives of the State of Alabama.

Mr McClanahan of S. from the committee on enrolled bills, reported that they had examined and found correctly enrolled, the following bills, to wit: An act to incorporate the town of Paynesville, in the county of Sumter; and an act to appoint an additional surveyor in the counties of Marshall, Randolph and Madison.

Mr Baker who voted with the majority, moved a reconsideration of the vote taken on yesterday on the motion to postpone to this day the further consideration of the bill to provide for the distribution of the three per cent fund in proportion to the population of the several counties of this State, which was carried. The bill being under consideration, mr Clifton of C. moved to postpone its further consideration until the first Monday in February next, and the question having been taken thereon, it was decided in the negative. Yeas 37—Nays 48.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Bates Blasingsame Bolling Clifton of c. Clifton of D. Creagh Ellis Godbold Hammond Hogg Jones of C. Jones of P. Kennedy Lipscomb Martin McAlpin of G. McAlpin of m. McClanahan of m. McConnel McMillion Mitchell Morris Neily Payne Peters Phillips Rogan Shortridge Smith of m. Taylor of m. Weissinger Williams of T. Withers Wright and Young.

Those who voted in the negative are messrs. Abercrombie Andress Baldwin Baker Booth Boston Burke Carmack Cook of L. Crawford Crayton Crenshaw Douglass Earle Eucliman Finley Garner Golding Hall Hampton Hancock Harrison Henderson Hiliard Hollis Holly Jones of B. Lindsey Mason McAlister McKnight Mills Morrow Moore of mad. Moore of mar. Murphy Philpot Porter Priest Rutherford Simmons Taylor of F. Vining Walker Warren Williams of J. Wilson and Wynn.

Mr Hilliard moved to amend the bill by striking out the word 'white' when it occurs in the bill before the word 'inhabitants,' which was lost. mr Rogan moved to amend the 4th section of the bill by striking out all after the words 'commissioners court,' with a view to insert the words 'shall appropriate the same to to their own use, or otherwise as to them may seem most fit,' which was lost. mr Mason moved to amend by adding to the 4th section, the following: 'according to the spirit of the act of Congress, making said donation,' which was carried. mr Phillips moved to amend by adding a section as follows: 'Section — *And be it further enacted,* That fifty per cent of so much of said fund as may be allotted according to the provision of this act, to the counties of Mobile, Baldwin, Clarke, Monroe, Wilcox, Dallas, Lowndes, Autauga and Montgomery, shall be appropriated to and expended in the removal of obstructions and the improvement of the navigation of the Alabama and Mobile rivers, as may run through or pass by any of said counties.' mr Shortridge moved to amend the amendment by striking out the word 'Montgomery.' mr Martin moved to commit the bill to a select committee, composed of one member from each judicial circuit, which was lost. The question then recurred on the motion of mr Shortridge, and decided in the negative. mr Creagh moved to amend the amendment offered by mr Phillips with the following proviso: 'Provided so far



as to the county of Clarke, there shall not be paid but twenty-five per cent. to the Alabama, and twenty-five per cent. to the Tombeckbee river, which was accepted by mr Phillips. mr Godbold moved to amend the amendment of mr Phillips, by striking out 'Baldwin,' which was lost. The question then recurred on the adoption of the amendment offered by mr Phillips, and was decided in the affirmative. Yeas 50—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are messrs. Speaker Baker Bates Blassingame Bolling Booth Boston Burke Clifton of c. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Esselman Garner Godbold Hammond Hampton Hancock Harrison High Hollis Holly Jones of c. Kennedy Lindsey Lipscomb McAlpin of m. McClanahan of S. McMillion Mitchell Morris Morrow Moore of mar. Murphy Peters Phillips Rogan Shields Smith of m. Sommers Taylor of F. Taylor of m. Warren Weissinger Williams of T. and Wright.

Those who voted in the negative are, messrs. Abercrombie Address Baldwin Carmack Ellis Golding Hall Hilliard Hogg Jones of B. Martin Mason McAlister McAlpin of G. McClanahan of m. McConnel McKnight Mills Moore of mad. Neely Payne Philpot Peters Rutherford Shortridge Simmons Vining Walker Williams of J. Wilson Withers Wynn and Young.

Mr Garner moved to amend by an additional section, as follows: 'Section — *And be it further enacted*, That fifty per cent of so much of said fund as may be allotted to the counties of Lauderdale, Franklin, Lawrence, Limestone Morgan, Madison, Marshall and Jackson counties, according to the provisions of this act, shall be appropriated to and expended in the improvement of the navigation of the Tennessee river at the Muscle Shoals and at Colbert's Shoals. mr Wynn moved to strike out the word 'Limestone.' which was lost. mr Golding moved to postpone the further consideration of the bill until the first of February next, which was carried. Yeas 48—Nays 39.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Baldwin Bates Blassingame Clifton of C. Clifton of D. Cook of L. Creagh Ellis Esselman Godbold Golding Hall Hammond High Hilliard Hogg Jones of C. Jones of P. Kennedy Lipscomb Martin McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of S. McConnel Mills Mitchell Morris murrey Neely Payne Peters Porter Rogan Shortridge Simmons Smith of m. Sommers Taylor of m. Warren Weissinger Williams of T. Withers Wright Wynn and Young.

Those who voted in the negative are messrs Abercrombie Address Baker Bolling Booth Boston Burke Carmack Crawford Crayton Crenshaw Douglass Earle Finley Garner Hampton Hancock Harrison Henderson Hollis Holly Jones of B. Mason McAlister McKnight McMillion Morrow Moore of mad. Moore of mar. Phillips Philpot Priest Rutherford Shields Taylor of F. Vining Walker Williams of J. and Wilson.

A message was received from the Senate by mr Childress, their assistant secretary—Mr Speaker: The Senate have adopted the following resolution: *Resolved*, That, with the concurrence of the House of Representatives, the two houses of the General Assembly will convene in the hall of the House of Representatives, to-morrow, at the hour of eleven o'clock, A. M., for the purpose of electing a president and six directors, for the Branch of the Bank of the State of Alabama at Mobile.

Mr McClannahan of m. moved to lay the resolution of the Senate on the table, and the question having been taken thereon it was decided in the negative. Yeas 43, nays 43.

The yeas and nays being demanded those who voted in the affirmative are, messrs. Speaker Baker Bates Blassingame Boston Cook of L. Earle Ellis Esselman Finley Golding Hall Hampton Hancock Harrison High Holly Jones of B. Jones of P. Lindsey Mason McClannahan of m. McKnight McMillion Mills Mitchell Morris Moore of mad. Moore of mar. Neely Phillips Porter Priest Rutherford Smith of D. Vining Walker Warren Weissinger Williams of T. Wilson Wright and Young.

Those who voted in the negative are, messrs. Abercrombie Address Baldwin Bolling Booth Burke Carmack Clifton of c. Clifton of D. Crawford Crayton Crenshaw Douglass Garner Godbold Hammond Henderson Hilliard Hogg Hollis Jones of c. Kennedy Lipscomb Martin McAlister McAlpin of G. McAlpin of m. McConnell Morrow Murphy Payne Peters Rogan Shields Shortridge Simmons Smith of m. Sommers Taylor of F. Taylor of m. Williams of J. and Wynn.

Mr Priest moved to postpone the further consideration of the resolution until Monday next; which was carried.

A message was received from the Senate by mr Childress, their assistant sec-

retary—mr Speaker: The Senate have adopted the following resolution: *Resolved*, That, with the concurrence of the House of Representatives, the two houses will assemble in the Representative hall, on Saturday next, the 19th instant, at three o'clock, P. M., for the purpose of electing a president and six directors for the Bank of the State of Alabama, in which they ask the concurrence of your honorable body.

Mr Phillips moved to postpone the further consideration of the resolution of the Senate until Monday next; which was carried.

Mr McClanahan of m. offered the following resolution: *Resolved*, That the committee raised by this House to arrange and superintend the printing of the Bank reports, be instructed to have printed immediately, for the use of this house, two thousand copies of the reports from the State bank and branches of the indebtedness of the presidents and directors of said institutions, and their expense accounts; which was adopted.

Mr Moore of mad., from the select committee, to which was referred a bill for the establishment and support of preparatory schools in the several counties in this State, reported the same back to the House with sundry amendments. The first and second amendments of the committee were concurred in, the other amendments being under consideration, the house adjourned till half past three o'clock in the afternoon.

*Afternoon Session, Thursday, January 17th, 1839.*—mr Wynn from the select committee, to which was referred an engrossed bill for the improvement of the Elk river, reported the same back to the house with an amendment, by way of engrossed ryder, in which the House concurred. The bill was then read the third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

A message was received from his Excellency, the Governor, by mr Gooch, his private secretary—mr Speaker: His Excellency the Governor, this day, approved and signed bills from the house of Representatives, of the following titles, to wit: An act to divorce Eliza A. F. Anderson from her husband Edmund R. Anderson; an act the better to provide for the advertising of lands and negroes levied on by the sheriff of Dallas county; an act to divorce Caroline L. Neily from her husband Jubal L. Neily; an act to divorce John P. Hall from his wife Mary Hall; an act to compensate the commissioners of revenue and roads in the counties of Jefferson, Shelby and De Kalb; an act to authorize Levi Williams to erect mills on the Coosa river; an act to incorporate Lieka academy; an act for the relief of Cassandra Kelly; an act to divorce John Youngblood from his wife Eliza Jane Youngblood; an act to authorize Hazel Littlefield to erect a grist and saw mill on the east bank of the Coosa river, in the county of Benton, and for other purposes; an act to divorce Martha Roberts from her husband William Roberts; an act to amend an act passed 23d December, 1837, declaring Sipsey river a public highway.

Mr Finley, from the select committee, to which was referred an engrossed bill entitled an act to establish a board of commissioners for the improvement of the navigation of the Paint Rock river, and for other purposes thereunto connected, reported the same back to the house with an amendment, by way of engrossed ryder; in which the house concurred; the bill was then read a third time and passed. Ordered, that the title be as above and that the same be sent to the Senate for their concurrence.

Mr Hall, who voted with the majority, moved a reconsideration of the vote on the motion to postpone until the first day of February next, the bill to pro-

vide for the distribution of the three per cent. fund in proportion to the population of the several counties in this State—and the question having been taken thereon, it was decided in the negative. Yeas 35, nays 49.

The yeas and nays being demanded, those who voted in the affirmative are, messrs **Andrew Baker** **Booth** **Boston** **Burke** **Carmack** **Crawford** **Crayton** **Crenshaw** **Douglass** **Earle** **Finley** **Garner** **Hall** **Hampton** **Hancock** **Henderson** **Hollis** **Jones of B.** **mason** **McAlister** **McKnight** **McMillion** **Mills** **Moore of mad.** **Murphy** **Phillips** **Philpot** **Priest** **Rutherford** **Shields** **Vining** **Walker** and **Wilson**.

Those who voted in the negative, are messrs. **Speaker Baldwin** **Bates** **Elassingame** **Clifton of c.** **Clifton of D.** **Cook of L.** **Creagh** **Ellis** **Godbold** **Golding** **Hammond** **High** **Hilliard** **Hogg** **Holly** **Jones of c.** **Jones of P.** **Kennedy** **Lipscomb** **Martin** **McAlpin of G.** **McAlpin of m.** **McClanahan of m.** **McClanahan of S.** **McConnell** **Mitchell** **Morris** **Moore of mar.** **Neily** **Payne** **Peters** **Porter** **Rogan** **Searcy** **Shortridge** **Simmons** **Smith of D.** **Smith of m.** **Sommers** **Taylor of F.** **Warren** **Weissinger** **Williams of T.** **Withers** **Wright** **Wynn** and **Young**.

So the house referred to reconsider.

**Mr Mason**, from the committee on enrolled bills, reported as correctly enrolled: An act to compensate **Samuel Oliver**, **Daniel Calaway**, **Arthur Strippling**, **Elizabeth G. Watson**, **Samuel Fagan**, the legal representatives of **Lewis Pugh** and **Mary Harvy**, for provisions furnished **General Moore's** brigade; and an act to repeal an act entitled an act to repeal in part an act now in force confining the collection of debts before a justice of the peace in the beat where the contract was made, so far as the county of **Sumter** is concerned.

The House then proceeded to the orders of the day. Engrossed bills of the following titles, to wit: An act to incorporate the town of **Clinton**, in the county of **Greene**; an act to change the time of holding the county court in the county of **Benton**; an act to change the time of holding the commissioners court in the county of **Bibb**; an act increasing the pay of jurors so far as regards the county of **Henry**; an act to repeal in part the act now in force confining the collecting of debts before a justice of the peace in the beat where the defendant resides, or where the contract was made, and for other purposes; an act to authorize an election of a justice of the peace and constable in the town of **Maplesville**, in the county of **Bibb**, and for other purposes; an act for the relief of **John V. Otts**; an act to abolish imprisonment for debt; an act to regulate dower; an act to repeal so much of an act approved **December 23d, 1837**, as authorizes and requires the Governor to appoint three commissioners to examine the State bank and its branches; an act to provide for the examination of the offices of clerks of courts, and an act to incorporate the **Shelby** mining and manufacturing company, were severally read the third time and passed. Ordered, that their titles be as above and that the same be sent to the Senate for its concurrence.

The engrossed bill entitled an act to authorize the court of commissioners of revenue and roads in the county of **Benton** to levy a special tax, and for other purposes, was read the third time. **Mr Bolling** moved to amend by way engrossed ryder an additional section No. 3, which was carried and the bill passed. Ordered, that the title be as above and that the same be sent to the Senate for its concurrence.

The bill from the Senate entitled an act to amend an act entitled an act to incorporate the city of **Montgomery**, approved **December 23d, 1837**, was read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The engrossed bill entitled an act to incorporate the **Medical society of South Alabama**, was read the third time. **Mr Morris** moved to amend the bill by inserting after the word 'property' in the 4th section the words 'not exceeding twenty thousand dollars,' which was carried—**Mr Moore of mad.** moved to amend by way of engrossed ryder, an additional section as follows: *And be it further enacted, That nothing herein contained shall authorize said corpora-*

tion to exercise banking privileges; which was carried, and the bill passed. Ordered, that the title be as above, and that the same be sent to the Senate for its concurrence.

The engrossed bill entitled an act for the relief of John Coleman and others, was read the third time. Mr Hall moved to amend the bill by way of engrossed ryder, an additional section, No. 5, which was carried and the bill passed. Ordered that the title be as above, and that the same be sent to the Senate for its concurrence.

Engrossed bill entitled an act for the benefit of the sixteenth sections of this State was read the third time. Mr Moore of mad. moved to amend by way of engrossed ryder, adding the following proviso: '*Provided*, That this act shall not take effect and be in force until the first day of January, 1840.' Mr Henderson moved the previous question, which was sustained. Mr Baker, who voted with the majority, moved a reconsideration of the vote just taken, on ordering the previous question; which was carried. The question then recurred on the amendment of Mr Moore of mad. and was lost. Mr Priest moved to fill the blank in the first section with the words 'one hundred and forty.' Mr Rogan moved to fill the blank with the words 'one hundred and fifty,' which was carried. The bill then passed. Yeas 76, nays 9.

The yeas and nays being demanded, those who voted in the affirmative, are messrs. Speaker Andress Baldwin Baker Bolling Booth Boston Burke Carmack Clifton of c. Clifton of D. Cook of L. Crawford Crayton Crenshaw Douglass Earle Ellis Finley Garner Godbold Golding Hall Hammond Hampton Hancock Harrison Henderson High Hilliard Hogg Hollis Holly Jones of B. Jones of P. Jones of C. Kennedy Lindsey Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of m. McClannahan of m. McClanahan of S. McConnell McKnight Mcmillon Mills morris moore of mar. Murphy Neiley Peters Phillips Philpot Priest Rogan Rutherford Shields Simmons Taylor of P. Taylor of m. Vining Walker Warren Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.

Those who voted in the negative are, messrs. Bates Blassingame Creagh Mitchell moore of mad. Payne Searcy Smith of m. and Weissinger.

Ordered, that the title be as above, and that the same be sent to the Senate for its concurrence.

The engrossed bill entitled an act requiring justices of the peace to give bond and security was read the third time. Mr Boston moved to postpone the further consideration of the bill indefinitely; which was lost. Yeas 33, nays 50.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Boston Carmack Douglass Earle Finley Garner Hammond Hancock Harrison Henderson High Hogg Hollis Jones of C. mason McAlpin of G. McKnight Mcmillon mills moore of mad. moore of mar. Payne Priest Rogan Smith of m. Taylor of F. Taylor of m. Vining Williams of J. Wilson Wynn and Young.

Those who voted in the negative are, messrs. Speaker Andress Baldwin Baker Bates Blassingame Bolling Booth Burke Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Ellis Godbold Golding Hall Hampton Hilliard Holly Jones of P. Kennedy Lindsey Lipscomb martin McAlister McAlpin of m. McClanahan of S. McConnell mitchell murphey Neily Peters Phillips Philpot Porter Rutherford Searcy Shields Simmons Smith of D. Warren Weissinger Williams of T. Withers and Wright.

Mr Carmack moved to amend the bill by way of engrossed ryder to come in after the word 'elected' the following, 'to fill the vacancies of those who have absconded;' which was lost. Mr Payne moved to amend by way of proviso, as follows, '*Provided*, the provisions of this act shall not extend to the county of Sumter.' Mr Boston moved to amend the amendment to come in after the word 'Sumter' the words 'and Lauderdale.'" Mr Williams of T. moved the previous question, which was sustained—so the House decided that the main question be now put. The main question 'Shall the bill now pass?' was decided in the affirmative. Yeas 53, nays 23.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Speaker Andress Baldwin Baker Bates Blassingame Bolling Booth Clifton of c. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Ellis Godbold Golding Hall Hampton Hilliard Holly Jones of B. Jones of P. Kennedy Lindsey Lipscomb Martin McAlister McClanahan of S. McAlpin of m. McConnell Mills

Mitchell Morris Morrow Murphy Neily Peters Phillips Philpot Porter Rutherford Searcy Shields Shortridge Simmons Smith of D. Warren Weissinger Williams of T. Withers and Wright.

Those who voted in the negative are, messrs. Boston Burke Carmack Douglass Earle Finley Garner Hammond Hancock Harrison Henderson High Jones of C. Mason McAlpin of G. McClanahan of m. McKnight McMillion moore of mad. Moore of mar. Payne Priest Rogan Smith of m. Taylor of F. Taylor of m. Vining Walker Williams of J. Wilson Wynn and Young.

Ordered, that the title be as aforesaid, and that the same be sent to the Senate for its concurrence.

The engrossed bill entitled an act for the arrangement, printing and distribution of the laws was read the third time. mr Porter moved to fill the first blank in the bill with the word 'ten,' which was carried. mr Porter moved to fill the second blank in the bill with the words 'six thousand,' which was carried, and the bill passed. Ordered, that the title be as above and that the same be sent to the Senate for its concurrence.

The engrossed bill entitled an act to organize and establish separate courts of chancery, was read the third time. mr Hall moved to fill the blank in the eleventh section, with the words 'fifteen hundred dollars'—mr Hilliard moved to fill the blank with the words 'two thousand five hundred dollars,' which was lost. Yeas 39, nays 45.

The yeas and nays being desired those who voted in the affirmative, are messrs. Speaker Andress Baldwin Baker Blassingame Booth Clifton of D. Cook of L. Crawford Creagh Crenshaw Godbold Hampton Hilliard Holly Kennedy martin McAlister McAlpin of G. McAlpin of m. McClanahan of S. McConnell mills Morris Moore of mad. Moore of mar. Neiley Payne Peters Phillips Porter Priest Searcy Shields Shortridge Weissinger and Wright.

Those who voted in the negative are messrs Boston Burke Carmack Clifton of C. Crayton Douglass Earle Ellis Finley Garner Golding Hall Hammond Hancock Harrison Henderson Hogg Hollis Jones of B. Jones of C. Jones of P. Lipscomb mason McClanahan of m. McKnight McMillion mitchell Morrow Murphy Philpot Rogan Rutherford Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Vining Warren Williams of J. Williams of T. Wilson Withers and Wynn.

Mr Martin moved to fill the blank with the words 'two thousand two hundred and fifty.' mr McClannahan of m. moved to postpone the further consideration of the bill indefinitely, and the question having been taken thereon, it was decided in the negative. Yeas 38, nays 44.

The yeas and nays being demanded, those who voted in the affirmative are messrs Boston Carmack Clifton of C. Crayton Douglass Ellis Finley Garner Golding Hall Hammond Hancock Henderson Hogg Hollis Mason McClanahan of m. McKnight McMillion Mitchell Morrow Murphy Neily Philpot Priest Rogan Rutherford Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Vining Warren Williams of J. Wilson and Wynn.

Those who voted in the negative are messrs Speaker Andress Baldwin Baker Bates Blassingame Booth Burke Clifton of D. Cook of L. Crawford Godbold Hampton Harrison Hilliard Holly Jones of B. Jones of C. Jones of P. Kennedy Lindsey Lipscomb martin McAlister McAlpin of G. McAlpin of m. McClanahan of s. McConnell mills Morris Moore of mad. Moore of mar. Payne Peters Philips Porter Searcy Shields Shortridge Weissinger Withers and Young.

The question then recurred on the motion of mr Martin to fill the blank, and was decided in the affirmative. Yeas 50, nays 33.

The yeas and nays being demanded, those who voted in the affirmative are messrs Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Booth Burke Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Ellis Godbold Hampton Hilliard Holly Jones of C. Jones of P. Kennedy Lindsey Lipscomb Martin McAlister mcAlpin of G. mcAlpin of m. McClanahan of S. McConnell mills Mitchell Morris moore of mad. moore of mar. Neily Payne Peters Phillips Porter Priest Rutherford Searcy Shields Shortridge Weissinger Williams of T. Withers and Young.

Those who voted in the negative are messrs Boston Carmack Clifton of C. Douglass Earle Finley Garner Golding Hall Hammond Hancock Harrison Henderson Hogg Hollis Jones of B. Mason McClannahan of m. McKnight mcmillon morrow murphy Philpot Rogan Simmons Smith of D. Smith of m. Taylor of F. Vining Warren Williams of J. Wilson and Wynn.

The bill then passed—yeas 47, nays 39.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Booth Burke Clifton of D. Cook of L. Crawford Creagh Crenshaw Esselman Godbold Hampton Hilliard Holly Jones of C. Jones of P. Kennedy Lindsey Lipscomb martin McAlister McAlpin of G. McAlpin of m. McClanahan of S. McConnell mills Morris moore of mad. moore of mar. Payne Peters Phillips Porter Rutherford Searcy Shields Shortridge Weissinger Williams of T. Withers Wright and Young.

Those who voted in the negative are, messrs Boston Carmack Clifton of c. Crayton Douglass Earle Ellis Finley Garner Golding Hall Hammond Hancock Harrison Hogg Hollis Jones of B. mason McClanahan of m. McKnight Memillion Mitchell Morrow murphy Neily Philpot Priest Rogan Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Vining Warren Williams of J. Wilson and Wynn.

Ordered, that the title be as above, and that the same be sent to the Senate for its concurrence. And then the House adjourned until to-morrow morning at half past nine o'clock.

*Friday, January 18th, 1839.*—Mr Williams of T. presented the account of William Pearson, which was read and referred to the committee on accounts.

Mr Weissinger from the committee on accounts, to which was referred the account of George Hubbert, sheriff of Fayette county, reported that it is inexpedient to allow the same, in which report the House concurred.

Mr Weissinger from the same committee, reported on the account of George G. Childs, sheriff of Pickens county, that it is inexpedient to allow the same, in which the House concurred.

Mr Hilliard from the committee on enrolled bills, reported as correctly enrolled. An act to define the limits of the town of Somerville in the county of Morgan, and to incorporate the same; an act to incorporate the Light Artillery Borderers; an act to regulate judicial proceedings; and an act to amend and revive an act to incorporate the Fairfield and Macon Rail Road company, approved December 23d 1836.

The House resumed the consideration of the report of the select committee to which was referred a bill entitled an act for the establishment and support of preparatory schools in the several counties of this State, the question being on concurring in the third and following amendments proposed. Mr Porter moved to amend the amendment reported on the 7th section, by striking out 'knowledge and belief,' and insert in lieu thereof, 'skill and ability;' which was carried the report concurred in and the bill as amended ordered to be engrossed for a third reading.

Mr Hilliard introduced a bill for the relief of Anselm Bugg and others, which was read the first time and ordered to a second reading.

Mr Rutherford introduced a bill to affix a name to the county seat of Walker county, which was read the first time and ordered to a second reading.

Mr Priest introduced a bill defining the duties of Librarians &c. which was read a first time and ordered to a second reading.

The House then resumed the consideration of the bill to establish a citizens Bank of the State of Alabama; the question recurring on the motion of Mr Harrison to postpone the further consideration of the same until the 1st day of February next, was decided in the affirmative; yeas 43, nays 36.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Speaker Blassingame Belling Boston Carmack Clifton of C. Clifton of D. Cook of L. Finley Garner Godbold Golding Hammond Hancock Harrison Henderson High Hollis Holly Jones of C. mason McAlpin of m. McClanahan of m. McKnight Moore of mad. murphy Philpot Priest Rogan Rutherford Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Walker Warren Williams of J. Williams of T. Wilson Wright and Wynn.

Those who voted in the negative are Messrs. Abercrombie Baker Bates Booth Burke Crayton Creagh Crenshaw Earle Ellis Hall Hampton Hilliard Hogg Jones of B. Kennedy Lipscomb Martin McAlpin of G. McClanahan of S. memillion mitchell morris morrow moore of mar. Neily Payne Peters Phillips Shields Shortridge Simmons Tarver Weissinger Withers and Young.

A message was received from his Excellency the Governor, by Mr Gooch his private Secretary.

EXECUTIVE DEPARTMENT, Tuscaloosa, January 18th, 1839.

Gentlemen of the Senate and House of Representatives—The act of the 23d December, 1837, "authorising the persons therein named to raise a loan in behalf of the State of two millions five hundred thousand dollars," appears to be defective in not requiring the interest upon the amount of said stock deposited with the State Bank and Branches, to be paid respectively, in proportion to the amount thereof; I therefore beg leave most respectfully, to recommend to your consideration, the propriety of passing a law making it the duty of the President of the

State Bank to inform each of the Branch Banks officially, of the periods and the place of which the interest in this loan is to be paid; and requiring each of the Banks to provide the means of paying the interest on this stock in proportion to the amount thereof, held by them respectively. It is proper also to add, that the Presidents of two of the Banks with whom I have had the honor of conferring upon this subject, concur fully in the propriety of passing such a law.

A. P. BAGBY.

Which message was referred to the committee on the State Bank.

A message was received from the Senate, by Mr Childress, their assistant secretary: Mr Speaker, the Senate have passed bills which originated in the Senate, of the following titles, to wit: An act to provide for the summoning of a jury to attend the county court of the county of Marion; an act to incorporate the Tuscaloosa Guards; an act to authorise the Judge of the county court and commissioners of revenue and roads of the county of Pike, to levy and collect a tax; an act to compensate Dr. Dorick S. Ball; an act to compensate T. W. Fleming & Co. and W. McBeth; an act to incorporate the Argus company of Volunteer Riflemen; they have also passed joint resolutions in relation to the distribution of the decisions of the Supreme court, in all of which they ask the concurrence of your honorable body.

The bills communicated by the message from the Senate: to provide for summoning a jury to attend the county court of the county of Marion; the bill to incorporate the Tuscaloosa Guards; the bill to authorise the Judge of the county court and commissioners of revenue and roads of the county of Pike to levy and collect a county tax, and the bill to incorporate the Argus company of volunteer riflemen, were severally read a first time, and ordered to a second reading.

The bill to compensate F. W. Fleming & Co. and W. McBeth, was read the first time, and the question having been taken on ordering it to a second reading was decided in the negative.

The bill to compensate Dr. Doric S. Ball, was read the first time, and on motion of Mr Morris, laid on the table. Engrossed joint resolutions from the Senate in relation to the distribution of the decisions of the Supreme Court, was read a first time, and ordered to a second reading.

Mr Andress from the committee on propositions and grievances, to which was referred the petition of Silas Cramp and others, reported it back to the House, and moved its reference to a select committee, consisting of the delegation from St. Clair county, in which report the House concurred.

Mr Lipscomb from the select committee to which was referred the petition of John Grant and others, reported a bill to authorise John Grant to cut or excavate a channel or canal through the shoal or shell reef which now obstructs the inland navigation between Dauphin island and Cedar Point, in the county of Mobile, which was read a first time and ordered to a second reading.

Mr Martin introduced a bill to provide for the payment of cost in criminal cases decided in the Supreme court, which was read the first time, and the question on ordering it to a second reading, was lost.

Mr Crenshaw from the committee on the judiciary, to which was referred a bill providing for the call of a convention, reported a set of joint resolutions in lieu of the bill entitled joint resolutions proposing to take the sense of the people of this State on the subject of calling a convention, which was read. Mr Neily moved to lay the report and joint resolutions on the table. Mr Mason moved to postpone the further consideration of the same until the first of February next, which was lost. Yeas 41, nays 44.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Baker Bates



Boston Carmack Douglass Ellis Earle Finley Hampton Hancock Harrison Henderson Hollis Kennedy Lindsey Mason McAlpin of G. McClanahan of m. McMillion Mills Mitchell Moore of mad. Murphy Neily Philpot Porter Priest Searcy Smith of m. Sommers Taylor of F. Taylor of m. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Wynn and Young.

Those who voted in the negative are, messrs. Speaker Abercrombie Address Baldwin Blassingame Bolling Burke Clifton of C. Clifton of D. Cook of L. Crayton Creagh Crenshaw Garner Golding Hall Hammond Hilliard Hogg Holly Jones of B. Jones of C. Lipscomb Martin McAlister McAlpin of m. McClanahan of S. McConnell McKnight Morris moore of mar. Payne Peters Phillips Rogan Rutherford Shields Shortridge Simmons Smith of D. Tarver Withers and Wright.

The report was then concurred in, and the joint resolutions ordered to be engrossed for a third reading on to-morrow, and then the House adjourned until half past 3 o'clock, p. m.

*Afternoon Session, Friday January 18th, 1839.*—The House then proceeded to the consideration of the orders of the day.

The engrossed bill entitled an act to establish a State prison and penitentiary, was read the third time. Mr McKnight moved to amend the bill by way of engrossed ryder, to come in at the end of section 12, as follows: 'and said bonds shall not become void by reason of one or more recoveries but may be put in suit and recovered on as often as cause of action may arise. Mr Henderson moved the previous question. Mr Morris moved a call of the House which was sustained; when the following members answered to the call.

Messrs Abercrombie Address Baldwin Baker Bolling Boston Carmack Clifton of C. Cook of L. Crayton Creagh Crenshaw Douglass Earle Esselman Finly Godbold Golding Hammond Hampton Hancock Harrison Henderson Hilliard Hogg Hollis Holly Jones of C. Kennedy Lipscomb Martin Mason McAlister McClanahan of m. McConnell McKnight McMillion Mills Mitchell morris Morrow Murphy Payne Peters Phillips Philpot Porter Priest Rutherford Searcy Shields Shortridge Simmons Smith of D. Sommers Tarver Taylor of F. Vining Walker Warren Williams of J. Williams of T. Withers and Wynn.

The call of the House having the effect of suspending the consideration of the bill for an hour.

The House took up the engrossed bill to be entitled an act to establish a board of commissioners for the improvement of the Choctawhatchee river, and for other purposes, which was read the third time. Mr Warren moved to fill the blank in the bill, with the words 'ten thousand,' which was carried, and the bill passed. Ordered that the title be as above, and that the same be sent to the Senate for its concurrence.

The engrossed bill entitled an act to better enable the President and Directors of the Bank of the State of Alabama and its several branches to secure the debts due said Banks, was read the third time. Mr Harrison moved to amend by way of engrossed ryder, a proviso, to come in at the end of the first section, as follows: 'provided that no person or corporation shall be entitled to the benefits of the first section of this act, to an amount exceeding two thousand dollars.' Mr Hampton moved the previous question, which was sustained—so the House decided that the main question be now put. The main question 'shall the bill pass?' was decided in the negative. Yeas 39, nays 42.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Speaker Abercrombie Address Baldwin Baker Bates Bolling Crenshaw Earle Ellis Esselman Finley Golding Hall Hampton Henderson Hilliard Hogg Lindsey Mason McAlister McClanahan of S. McConnell mcmillion morrow Moore of mad. murphy Peters Philpot Porter Priest Rutherford Simmons Sommers Taylor of F. Vining Walker Weissinger and Wilson.

Those who voted in the negative are, messrs. Boston Carmack Clifton of c. Clifton of D. Cook of L. Crayton Creagh Douglass Garner Godbold Hammond Hancock Harrison Hollis Holly Jones of B. Jones of c. Kennedy Lipscomb Martin McClanahan of m. McAlpin of G. McAlpin of m. McKnight mills mitchell Morris moore of mar. Payne Phillips Rogan Seacy Shields Shortridge Smith of D. Smith of m. Tarver Warren Williams of J. Williams of T. Withers Wynn and Young.

The engrossed bill entitled an act to reduce the width of lanes on third grade roads, was read the third time and passed. Ordered that the bill be as above and that the same be sent to the Senate for its concurrence.

Engrossed bill entitled an act to apportion the representatives among the several counties of this State, and to divide the State into senatorial districts, according to the late census, was read the third time and passed. Yeas 46. nays 36.

The yeas and nays being demanded, those who voted in the affirmative are messrs Address Baldwin Baker Bates Bolling Burke Clifton of C. Cook of L. Crayton Creagh Crenshaw Garner Godbold Golding Hampton Henderson Holly Jones of B. Kennedy Lipscomb Martin McAllister McAlpin of G. McAlpin of m. McClanahan of S. McConnell McKnight mills Mitchell Morris moore of mar. murphy Payne, Peters Phillips Porter Priest Searcy Shields Simmons Smith of D. Sommers Vining Walker Williams of T. and Young.

Those who voted in the negative are messrs Speaker Abercrombie Boston Carmack Clifton of D. Douglass Earle Ellis Esselman Finley Hall Hammond Hancock Harrison Hilliard Hogg Hollis Jones of C. Lindsey Mason McClannahan of m. memillion moore of mad. morrow Philpot Rogan Rutherford Shortridge Smith of m. Tarver Taylor of F. Warren Weissenger Williams of J. Wilson Withers and Wynn.

Ordered that the title be as above and that the same be sent to the Senate for its concurrence.

The bill to authorise Cyrus Sibly to make improvements on a certain tract of land hereinafter designated, was read the second time and ordered to be engrossed for a third reading.

The bill to authorise Elisha Betts of the county of Barbour, to adopt William Henry Betts as his heir, was read the second time and ordered to be engrossed for a third reading.

The bills from the Senate to incorporate the town of Aberfoil, in the county of Macon: to prevent surprise and injury to defendants in execution, and to authorize the Sheriff of Blount county to serve process issued by Justices of the Peace for said county, were severally read the second time and ordered to a third reading.

The bill from the Senate to establish the Swift creek manufacturing company in the county of Autauga, was read the second time. Mr Cook of L. moved to amend, by way of proviso, to come in at the end of the bill, which was carried. The bill was then ordered to a third reading.

The bill from the Senate for the relief of William Smith of Madison county, was read the second time. Mr Vining moved to refer the bill to a select committee consisting of the delegation from Madison county, with instructions to report on the same to-morrow, which was carried.

One hour having elapsed since the call of the house was ordered. The House resumed the consideration of the bill entitled an act to establish a State prison and penitentiary. The question being on the motion of Mr Henderson for the previous question, was lost. So the House decided that the main question should not be now put. The question then recurred on the amendment offered by Mr McKnight, and was carried. Mr McConnell moved to amend the first section of the bill after 'place;' insert 'on the navigable waters of the Coosa or Alabama river. Mr Taylor of F. moved to amend the amendment by inserting, after 'Coosa,' the word 'Black Warrior.' Mr Henderson offered a substitute for the amendment offered by Mr McConnell, as follows, to come in after the word 'place;' 'not exceeding fifty miles from the centre of the State,' which was accepted by Mr McConnell, and the amendment adopted. Mr McKnight moved to amend by way of engrossed rider, to come in after 'punishment' in the 18th section, by way of proviso, which was lost. Mr Clifton of C. moved to amend by an additional section as follows: Section 21. *And be it further enacted,* That this act shall not take effect until after the next general election, at which time the electors of the several counties in this State, are to be duly notified by the sheriffs of their respective counties, that they are required to signify their

approval of the establishment of a State prison, as contemplated by this act, by marking on the back of their tickets, penitentiary or no penitentiary, and provided that after casting up the votes in the different counties, it appears that a majority of the legal voters of this State are in favor of a penitentiary, then and in that case, this act is to be in full force and virtue; otherwise to be null and void. Mr Porter moved the previous question, which was sustained. So the House decided that the main question be now put. The main question, 'shall the bill pass?' was decided in the affirmative. Yeas 48, nays 36.

The yeas and nays being demanded those who voted in the affirmative are, messrs Speaker Baldwin Baker Bolling Booth Boston Carmack Douglass Finley Garner Godbold Golding Hall Hampton Hancock Henderson Hilliard Hogg Holly Lindsey Lipscomb Mason McClanahan of m. McConnell Mills Morris Moore of mad. Moore of mar. Payne Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Smith of m. Tarver Vining Walker Weissinger Williams of J. Williams of T. Wilson Withers Wynn and Young.

Those who voted in the negative are, messrs Abercrombie Address Bates Blassingame Burke Clifton of D. Cook of L. Crayton Creagh Crenshaw Earle Esselman Hammond Harrison Hollis Jones of B. Kennedy Martin McAlister McAlpin of G. McAlpin of m. McClanahan of S. McKnight McMillion Mitchell Morrow Murphy Neiley Peters Phillips Simmons Smith of D. Sommers Taylor of F. Warren and Wright.

Mr Harrison, who voted with the majority, moved a reconsideration of the vote taken on the rejection of the bill entitled an act to better enable the president and directors of the Bank of the State of Alabama and its several Branches to secure the debts due said Banks; which was carried. Yeas 50, nays 35.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Burke Cook of L. Crenshaw Earle Ellis Esselman Finley Golding Hall Hampton Harrison Henderson Hogg Hollis Jones of B. Lindsey Martin Mason McAlister McClanahan of S. McConnell McMillion Morrow Moore of mad. Murphy Neiley Peters Philpot Porter Priest Rutherford Simmons Sommers Taylor of F. Vining Walker Weissinger Williams of J. Wilson Withers and Wright.

Those who voted in the negative, are messrs. Boston Carmack Clifton of c. Clifton of D. Crayton Creagh Douglass Garner Godbold Hammond Hancock Holly Jones of P. Kennedy Lipscomb McAlpin of G. McAlpin of m. McClanahan of m. McKnight Mills Mitchell Morris Moore of mar. Payne Phillips Rogan Searcy Shields Shortridge Smith of D. Smith of m. Tarver Warren Williams of T. Wynn and Young.

The bill being under consideration, mr Harrison waved his motion to amend as heretofore stated by way of proviso. mr Abercrombie moved the previous question—mr Kennedy moved to adjourn till to-morrow morning at half past nine o'clock; which was lost. The question then recurred on the motion of mr Abercrombie for the previous question, and was sustained—so the House determined that the main question be now put. The main question 'Shall the bill pass?' was decided in the affirmative. Yeas 49, nays 35.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Burke Crenshaw Earle Ellis Esselman Finley Golding Hall Hampton Hancock Harrison Henderson Hilliard Hogg Jones of B. Kennedy Martin Mason McAlister McClannahan of s. McConnell McMillion Morrow Moore of mad. Murphy Neily Peters Philpot Porter Priest Rutherford Simmons Sommers Taylor of F. Vining Walker Weissinger Williams of J. Wilson and Wright.

Those who voted in the negative are, messrs. Boston Carmack Clifton of C. Clifton of D. Cook of L. Crayton Creagh Douglass Garner Godbold Hammond Hollis Holly Kennedy Lipscomb McAlpin of G. McAlpin of m. McClanahan of m. McKnight Mills Mitchell Morris Payne Phillips Rogan Searcy Shields Shortridge Smith of D. Smith of m. Tarver Warren Williams of T. Withers Wynn and Young.

Ordered, that the title be as above and that the same be sent to the Senate for its concurrence. And then the House adjourned until to-morrow at half past nine o'clock.

*Saturday, January 19th, 1839.*—Mr Hammond presented the following reasons for voting against the bill entitled an act to establish a State prison and penitentiary:

Having voted against the passage of a bill on its passage entitled an act to establish a State prison and penitentiary in the State of Alabama, I avail myself of my constitutional privilege of entering the following protest and reasons for having done so. First—I think it an unpropitious time to establish a Penitentiary in the State. Second—in order to obviate as far as practicable objections to the measure, I offered an amendment to said bill in the following words, to wit:

*Sec. —. And be it further enacted,* That it shall be the duty of the sheriff, coroner, or other officer, holding the elections in the different counties in this State, to advertise at the time they advertise for the election of members of the General Assembly, that at said election they will take the census of the voters of said county as to the expediency of establishing said penitentiary.

*And be it further enacted,* That at the said election it shall be the duty of the sheriffs, coroners or other officers, holding the election of their different counties to put the question to each voter, Are you in favor of a penitentiary? and the said sheriff, coroner or other officer, shall cause a fair registration of the answers of the electors to be made by the clerk holding the election, stating how many votes are in favor, and how many against, the expediency of establishing a penitentiary.

*And be it further enacted,* That if any sheriff, coroner, or other officer, shall fail or refuse to perform the duties required of them by this act, he shall forfeit and pay into the county treasury, where such refusal may occur, the sum of one hundred dollars, to be recovered before any court having jurisdiction of the same.

*And be it further enacted,* That it shall be the duty of said sheriff, coroner, or other officer, holding the election, within sixty days after the election, to make out a fair statement of the votes of their counties, and send the same by mail, certified under their hands and seals, directed to the Secretary of State, and the receipt of the post master at the court house of the county shall be evidence that said returns have been forwarded.

*And be it further enacted,* That if after casting up the votes in the several counties in this State, it appears that a majority of the legal voters are in favor of the erection of a penitentiary, as contemplated by this act, then and in that case, the foregoing act is to be in full force and virtue, otherwise to be null and void.

This proposed amendment was refused, and believing that it was inexpedient and bad policy so to pass said bill, without such a provision in it, as set forth in the proposed amendment, I therefore enter the above as my protest and reasons for voting against the passage of said bill.

RICHMOND HAMMONDS.

Mr Booth presented the petition of sundry citizens in the vicinity of Aberfoil, which was read and referred to a select committee composed of the delegation from the counties of Barbour, Russell, Coosa, Tallapoosa, Chambers and Randolph.

Mr McAlpin of m. presented the petition of the master wardens and brethren of Mobile lodge, No. 40, praying the passage of a law to authorize them to raise a certain sum of money by lottery, for the purposes therein named; which was read. Mr Peters moved to lay the petition on the table, which was lost. The petition was then referred to a select committee, composed of the delegation of Mobile county.

Mr Moore of mad. presented the petition of sundry citizens of Madison county, in relation to a McAdamized road therein named, which was read and referred to a select committee, composed of the delegation from Madison county.

Mr McConnell presented the account of Joseph N. Lansy, jailor of Talladega county; which was referred to the committee on accounts.

Mr Finley presented the petition of sundry citizens of the counties therein named, which was read and referred to a select committee, consisting of the delegation of the counties of Jackson, Cherokee, Marshall and DeKalb.

Mr Finley presented the petition of sundry citizens of Jackson county on the subject of allowing the taker of the census of that county additional pay; which was read and referred to the committee on propositions and grievances.

Mr Porter, from the committee on internal improvement, to which was referred a bill to entitled an act for the advancement of the agriculture, commerce

and industry of Alabama, reported the same back to the House with sundry amendments, that is to say, strike out 'private individuals' where it occurs in the last full line of the 7th section, and insert 'the Coosa and Wetumpka rail road company'—strike out 'individual stockholders and from the' in the 8th section—strike out 'and the stockholders who shall subscribe for the one million of dollars devoted to individual subscriptions' in the first part of the ninth section—strike out 'and individual stockholders' in the 12th section—add to the 16th section at the close thereof, 'and for the building of a rail road from Wetumpka to the Coosa river'—strike out 'and the shares of the individual stockholders' in the 18th section, the bill and amendments being under consideration, Mr McAlpin of m. moved to postpone the further consideration of the same until the first of February next; which was carried. Yeas 62, nays 21.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Abercrombie Baldwin Blassingame Booth Boston Burke Clifton of D. Cook of L. Creagh Crenshaw Douglass Earle Ellis Finley Garner Hall Hammond Hancock Harrison Henderson High Hollis Holly Jones of C. Lindsey Mason McAlister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of S. Mc. Connell McKnight McMillion Mills Morris Morrow Moore of mad. Murphey Neely Philpot Priest Rogan Searcy Shortridge Simmons Smith of D. Smith of m. Tarver Taylor of F. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Wright Wynn and Young.

Those who voted in the negative are, messrs. Speaker Baker Clifton of C. Crawford Crayton Es. Selman Godbold Golding Hilliard Hogg Jones of B. Kennedy Lipscomb Martin Mitchell Moore of mar. Phillips Porter Rutherford and Shields.

Mr Moore of mad. from the committee on the State bank, to which was referred his Excellency, the Governor's message under date of the 18th January, 1839, reported a bill to provide for the payment of the interest on the State bonds by the State bank and its several branches; which was read a first time, and the constitutional rule requiring bills to be read on three several days, being dispensed with, the bill was read a second time, and the constitutional rule being further dispensed with, the bill was read a third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for its concurrence.

Mr Vining, from the select committee, to which was referred the bill for the relief of William Smith of Madison county, reported the same back to the House without amendment. Mr Moore of mad. moved to amend by an additional section, which was lost. The bill was then read a second time and ordered to a third reading.

Mr McMillion, from the select committee, to which was referred a bill to be entitled an act to attach a part of the county of Tuscaloosa to the county of Jefferson, reported it back to the House with an amendment and recommended its passage; the bill was then read the second time. Mr Searcy moved that the bill be indefinitely postponed, which was carried.

The hour of twelve having arrived, Mr McAlpin of m. moved to suspend the orders of the day for the purpose of offering a resolution; which was lost.

Mr Booth, from the select committee to which was referred the claims of Thomas and William Cope and others, reported a bill to provide for the payment of certain claims against the State; which was read a first time and ordered to a second reading.

The House then proceeded to the orders of the day, and took up the bill to alter and amend the charter of the Bank of the State of Alabama and its several Branches, it being a special order. Mr Lipscomb moved to refer the bill to the judiciary committee, which was carried.

The engrossed bill for the establishment and support of preparatory schools in the several counties in this State, was read the third time and passed.

The engrossed joint resolutions proposing to take the sense of the people of this State on the subject of calling a convention was read the third time and passed. Yeas 44, nays 42.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Abercrombie Andress Baldwin Bates Blassingame Bolling Booth Burke Clifton of c. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Esselman Garner Godbold Hall Hammond Hilliard Hogg Holly Jones of B. Jones of C. Lipscomb Martin McAlister McAlpin of m. McClannahan of S. McConnell McKnight Morrow moore of mar. Murphy Payne Peters Phillips Rogan Shields Shortridge Simmons Tarver Withers and Wright.

Those who voted in the negative are, messrs. Speaker Boston Carmack Douglass Earle Ellis Finley Golding Hampton Hancock Harrison Henderson High Hollis Kennedy Mason McAlpin of G. McClannahan of m. McMillion Mills Mitchell moore of mad. Neiley Philpot Porter Priest Rutherford Searcy Smith of D. Smith of m. Somners Taylor of F. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Wynn and Young.

Ordered, that the title be as aforesaid, and that the same be sent forthwith to the Senate for its concurrence.

Mr Shields moved to take from the table the bill to revive, alter and amend and act entitled an act to incorporate the Demopolis and Woodville rail road company, which was carried. The bill was then referred to a select committee composed of the delegation from the counties of Marengo and Greene.

The engrossed bill to authorize Elisha Betts, of the county of Barbour, to adopt William Henry Betts his heir, was read and laid on the table.

The engrossed bill to authorize Cyrus Sibley to make improvements on a certain tract of land hereafter designated, was read the third time and passed. Ordered, that the title be as aforesaid and that the same be sent to the Senate for its concurrence.

The bill from the Senate to establish the Swift Creek manufacturing company, in the county of Autauga, the bill from the Senate to authorize the sheriff of Blount county to serve process issued by justices of the peace for said county, the bill from the Senate to incorporate the town of Aberfoil, in the county of Macon, and the bill from the Senate, to prevent surprise and injury to defendants in execution, were severally read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill to be entitled an act fixing the salaries of the Secretary of State, the State Treasurer, and Comptroller of Public Accounts, was read the second time. mr Garner moved to amend by an additional section as follows: 'Sec. — *And be it further enacted*, That the Adjutant and Inspector General shall hereafter receive for their services, six dollars per day, for each and every day that he may be engaged in the business of his office. mr Wilson moved to postpone the further consideration of the bill until the first of February next; which was lost. Yeas 28, nays 53.

The yeas and nays being desired, those who voted in the affirmative are, messrs Boston Burke Carmack Clifton of C. Crayton Douglass Earle Finley Golding Hammond Hancock Harrison Henderson Hollis Holly Kennedy Mason McClannahan of m. McMillion Mitchell Philpot Priest Simmons Taylor of F. Walker Williams of J. Wilson and Wynn.

Those who voted in the negative are messrs. Speaker Abercrombie Andress Baldwin Baker Blassingame Bolling Clifton of D. Cook of L. Crawford Creagh Crenshaw Ellis Esselman Garner Godbold Hall Hampton Hilliard Hogg Jones of B. Jones of c. Lipscomb Martin McAlister McAlpin of G. McAlpin of m. McClannahan of s. McConnell McKnight Mills Morris Moore of mad. Moore of mar. Murphy Neily Payne Peters Rutherford Searcy Shields Shortridge Smith of D. Smith of m. Somners Tarver Vining Warren Weissinger Williams of T. Withers Wright and Young.

Mr Lipscomb moved to amend by an additional section. mr Martin moved the previous question, which was not sustained. Yeas 39, Nays 46.

The yeas and nays being desired those who voted in the affirmative are, messrs. Speaker Andress Baldwin Baker Blassingame Bolling Burke Clifton of D. Cook of L. Crawford Crenshaw Esselman Godbold Hampton High Hogg Hollis Jones of B. Martin McClannahan of S. McConnell Mills Morris moore of mad. Neily Payne Peters Searcy Shields Simmons Somners Taylor of F. Vining Warren Williams of J. Withers Wright and Wynn.

Those who voted in the negative are, messrs. Abercrombie Booth Boston Carmack Clifton of C. Crayton Creagh Douglass Earle Finley Garner Golding Hall Hammond Hancock Harrison Henderson Hilliard Holly Jones of C. Kennedy Lipscomb Mason McAlister McAlpin of G. McAlpin of m. McClanahan of m. McKnight McMillion Mitchell Moore of mar. Murphy Phillips Philpot Priest Rogan Rutherford Shortridge Smith of D. Smith of m. Tarver Walker Williams of J. Withers Wright and Wynn.

And then the House adjourned until half past 3 o'clock, p. m.

*Afternoon Session, Jan. 19.*—The House resumed the consideration of the bill fixing the salaries of the Secretary of State, Treasurer and Comptroller of Public Accounts. The question being on the adoption of the amendment offered by mr Garner, was decided in the affirmative. Yeas 46, Nays 36.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Speaker Abercrombie Baldwin Baker Bolling Booth Burke Carmack Clifton of D. Cook of L. Crawford Creagh Crenshaw Douglass Earle Ellis Esselman Garner Golding Hall Hogg Holly Lindsay Lipscomb McAlister McAlpin of G. McAlpin of m. McClanahan of S. McConnell McKnight Mills Mitchell Moore of Mar. Phillips Porter Rogan Rutherford Shields Shortridge Simmons Smith of D. Smith of M. Tarver Weissinger Withers Wright and Young.

Those who voted in the negative, are Messrs. Andress Boston Clifton of C. Crayton Finley Hampton Hancock Harrison Henderson Hollis Jones of B. Jones of C. Kennedy Martin Mason McClanahan of m. McMillion Morris Murphy Philpot Priest Sommers Taylor of F. Vining Walker Warren Williams of J. Williams of T. Wilson and Wynn.

The question then recurred on the amendment offered by mr Lipscomb, which was as follows: 'Section, — *And be it further enacted*, That the salary of the Governor from and after the first Monday in December next, shall be fixed at four thousand dollars,' which was lost. Yeas 32, Nays 48.

The yeas and nays being desired, those who voted in the affirmative are messrs. Speaker Abercrombie Andress Baldwin Bolling Carmack Clifton of D. Cook of L. Creagh Douglass Earle Garner Hall Harrison Lipscomb Martin McAlister McAlpin of m. McKnight Mitchell Moore of mad. Moore of mar. Porter Shortridge Smith of m. Sommers Tarver Weissinger Williams of T. Withers Wright and Young.

Those who voted in the negative are, messrs Baker Booth Boston Burke Clifton of C. Crawford Crayton Crenshaw Ellis Esselman Finley Golding Hampton Hancock Henderson High Hogg Hollis Holly Jones of B. Jones of C. Kennedy Lindsay Mason McClanahan of m. McClannahan of S. McConnell McMillion Mills Morris Murphy Payne Peters Phillips Philpot Priest Rogan Rutherford Shields Simmons Smith of D. Taylor of F. Vining Walker Warren Williams of J. Wilson and Wynn.

Mr Priest moved to amend by an additional section as follows: 'Section, — *And be it further enacted*, That hereafter the Secretary of State shall issue patents to purchasers of land at the land office at Courtland, without any additional compensation from said purchasers,' which was lost. mr Martin moved to amend by an additional section as follows: 'Section, — *And be it further enacted*, That hereafter the Judges of the circuit courts of this State, shall receive the sum of twenty hundred and fifty dollars each, as their respective salaries,' which was lost. mr Carmack moved to amend by an additional section, as follows: 'Section, — *And be further enacted*, That the members of the general assembly hereafter to be elected, shall receive for their services five dollars per day.' mr Kennedy moved to postpone the further consideration of the bill indefinitely, which was lost. Yeas 33, nays 46.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Boston Burke Carmack Clifton of c. Crayton Douglass Earle Finley Golding Hancock Harrison Henderson High Hollis Holly Jones of B. Jones of C. Kennedy mason McClanahan of m. Memillion Mitchell murphy Philpot Priest Rogan Simmons Taylor of F. Vining Walker Williams of J. Wilson and Wynn.

Those who voted in the negative are, messrs Speaker Abercrombie Andress Baldwin Baker Bolling Booth Clifton of D. Cook of L. Crawford Creagh Crenshaw Ellis Garner Hampton Hilliard Hogg Lindsay Lipscomb martin McAlister McAlpin of m. McClanahan of S. McConnell McKnight mills Morris Payne Peters Phillips Porter Rutherford Shields Shortridge Smith of D. Smith of m. Sommers Tarver Warren Weissinger Williams of T. Withers Wright and Young.

Mr Cook of L. moved to amend the amendment offered by mr Carmack, by striking out 'five' and inserting in lieu thereof 'three,' which was accepted by the mover. mr Abercrombie moved to amend the amendments by striking out



'three,' which was carried. mr Young moved to fill the blank thus created with 'one.' mr Moore of mad. moved to fill the blank with 'four.' mr Carmack moved to fill the blank with 'four fifty,' which was lost. mr Carmack moved to fill the blank with 'four twenty-five,' which was lost. The question recurring on the motion made by mr Moore of mad. to fill the blank with 'four,' was carried. The question then recurred on the adoption of the amendment as amended, and was decided in the negative. The bill as amended was then ordered to be engrossed for a third reading. Yeas 43, Nays 35.

The yeas and nays being demanded those who voted in the affirmative are, messrs. Speaker Abercrombie Andress Baldwin Baker Bolling Booth Clifton of D. Cook of L. Crawford Creagh Crenshaw Ellis Esselman Hall Hampton Hilliard Hogg Lindsey Lipsecomb Martin McAlister McAlpin of m. McClanahan of S. McConnell McKnight Moore of mad. Moore of mar. Payne Peters Phillips Porter Shields Shortridge Smith of D. Sommers Tarver Vining Warren Weissinger Williams of T. Withers and Young.

Those who voted in the negative are, messrs. Boston Burke Carmack Clifton of c. Crayton Douglass Earle Finley Garner Golding Hancock Harrison Henderson High Hollis Holly Jones of B. Jones of c. Kennedy Mason McClannahan of m. Mcmillan Mills Mitchell Morris Murphy Philpot Priest Rogan Rutherford Simmons Taylor of F. Walker Williams of J. Wilson and Wynn.

A message was received from the Senate by mr Childress, their assistant Secretary. mr Speaker: The Senate have passed a bill which originated in the house of Representatives, of the following title, viz: An act to incorporate the city of Wetumpka, and have amended the same as therein shewn, in which they ask the concurrence of your honorable body.

The bill to incorporate the city of Wetumpka as amended by the Senate, was read, and the amendments concurred in. Ordered that the clerk acquaint the Senate therewith.

The orders of the day having been suspended for the purpose, mr Bolling introduced a bill to change the time of holding the county court of Conecuh county.

Mr Payne introduced a bill to provide a permanent fund for the internal improvement of the State.

Mr Andress introduced a bill for the relief of Isaac Avery, which was severally read and ordered to a second reading.

The consideration of the orders of the day having been resumed, the bill to divide the counties of Washington and Sumter, was read the second time. mr Martin moved to amend the second section by adding after the word 'managed,' where it occurs in the ninth line of said section, with the following: 'and the returns thereof made,' which was carried. mr Martin moved further to amend the bill by two additional sections numbered 3. and 4. which was carried, and the bill as amended was ordered to be engrossed for a third reading.

The bill for the payment of certain claims therein named, was read the second time. mr Morris moved to amend by adding the following: 'to James M. Cummins, the sum of forty-one dollars for shoeing horses in the military service,' which was carried. mr Godbold moved to amend by adding the following: 'and the sum of one hundred and fifty-one dollars to T. W. Fleming' mr Booth moved to postpone the further consideration of the bill until Monday next, which was carried.

And then the House adjourned until Monday morning, half past 9 o'clock.

*Monday, Jan. 21.*—mr Booth presented sundry accounts, which were read and referred to the committee on indian expenditures.

Mr Shields, from the committee on education, to which was referred a bill to be entitled an act for the encouragement of education, reported a substitute in lieu thereof, with recommendation that it is expedient to pass the same. mr Clifton of D. moved to lay the bill on the table, which was lost. The report

was then concurred in. *mr Henderson* moved to amend by an additional section, which was lost. Yeas 33, Nays 53.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Baldwin Blassingame Booth Boston Clifton of D. Earle Finley Garner Golding Hall Hammond Hancock Harrison Henderson Hogg Jones of B. Kennedy Martin Mason McKnight McMillion Murphy Payne Philpot Rogan Rutherford Simmons Smith of D. Warren Williams of J. Wilson Wright and Wynn.

Those who voted in the negative are, messrs. Speaker Abercrombie Andress Baker Bates Burke Carmack Cook of L. Crawford Crayton Creagh Crenshaw Douglass Ellis Esselman Godbold Hampton High Hilliard Hollis Holly Jones of c. Jones of P. Lindsey Lipscomb McAlister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of S. McConnel Mills Mitchell Morrow Moore of mad. Moore of mar. Neely Peters Phillips Porter Priest Searcy Shields Shortridge Smith of m. Sommers Tarver Taylor of F. Vining Weissinger Williams of T. Withers and Young.

*Mr Shields* moved to amend by an additional section. *mr Porter* moved to amend the amendment by way of proviso, which was accepted by *mr Shields*. The amendment as amended was then adopted, and the bill as amended ordered to be engrossed for a third reading. Yeas 48, Nays 33.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker Abercrombie Andress Baldwin Baker Bates Carmack Crawford Crenshaw Ellis Esselman Golding Hall Hampton High Hilliard Holly Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of m. McClanahan of S. McConnel McKnight Mills Mitchell Moore of mad. Moore of mar. Neely Payne Phillips Porter Priest Rutherford Searcy Shields Shortridge Sommers Tarver Walker Weissinger Williams of T. Withers Wynn and Young.

Those who voted in the negative are, messrs. Blassingame Booth Boston Clifton of c. Clifton of D Cook of L. Creagh Douglass Earle Finley Garner Golding Hammond Hancock Henderson Hogg Jones of B. Jones of C. Jones of P. Kennedy McClanahan of m. McMillion Murphey Philpot Rogan Simmons Smith of D. Smith of m. Vining Warren Williams of J. Wilson and Wright.

A message from the Senate by *mr Childress*, their assistant Secretary. *mr Speaker*: The Senate have passed bills of the following titles, viz: (which originated in the Senate) An act to authorize and require the Tennessee Canal Commissioners to ascertain whether any thing be due to J. R. & S. S. Henry, and if so, to settle with them accordingly; an act to regulate the wages of the door keeper and messenger of the House of Representatives and door keeper of the Senate; an act to authorize the Judge of the county court of the county of Franklin, and commissioners of roads and revenue, to allow compensation to certain persons therein named, and for other purposes; an act explanatory of an act therein mentioned; an act to attach a part of the county of Tallapoosa, to the county of Montgomery; an act the better to regulate the operations of the Bank of the State of Alabama and its Branches; an act to incorporate the Fayetteville Male and Female Academy in Fayette county; an act to permit justices of the peace for the two beats which meet in the city of Tuscaloosa, to hold their office within either of the said beats, and for other purposes; an act for the relief of Wm. Jordan of Washington county; an act to incorporate the town of Prairie Bluff, in the county of Wilcox.

A message was received from his Excellency the Governor, by *mr Gooch*, his private Secretary. *mr Speaker*, His Excellency the Governor, on Saturday, 19th instant approved and signed bills from the house of representatives of the following titles, viz: An act to regulate judicial proceedings; an act to incorporate the town of Payneville, in the county of Sumter; an act to amend and revive an act to incorporate the Fairfield and Macon rail road company, approved December 23, 1836; an act to incorporate the Light Artillery Borderers; an act to compensate Samuel Oliver, Daniel Calaway, Arthur Stripling, Elizabeth T. Watrous, Samuel Fagan, the legal representatives of Lewis Pugh, and Mary Harvey, for provisions furnished General Moore's Brigade; an act to repeal an act entitled an act to repeal in part an act now in force, confining the collection of debts before a justice of the peace, in the beat where the contract was made,

so far as the county of Sumter is concerned; an act to amend and consolidate the law in relation to county Treasurers; an act to appoint an additional surveyor for the counties of Marshall, Randolph and Madison.

A message from the Senate by Mr Childress, their assistant Secretary. Mr Speaker: The Senate have passed bills which originated in the Senate, of the following titles, viz: An act to provide for the payment of Capt. Joseph T. Cook's company, an act to attach a part of the county of Dale to the county of Henry; an act prescribing the mode of establishing and licensing toll bridges, causeways and ferries; also, defining the rights and liabilities of the owners thereof; an act touching fines imposed by brigade courts martial; an act regulating sales by the sheriff of the county of Shelby; an act to incorporate the town of Linden, in the county of Marengo; an act to incorporate the Greensborough Cavalry Company; an act to prohibit unlawful banking associations, and for other purposes; in all of which they ask the concurrence of your honorable body.

Mr Phillips offered the following resolution: *Resolved*, That during the remainder of the session, the orders of the day shall be taken up at 11 o'clock in the forenoon, which lies over one day for consideration.

Mr Moore of Mad. from the committee of three appointed by the Senate to act with the committee appointed by the House of Representatives, to amend and revise the joint rules prescribing the manner of conducting a joint vote of the two Houses of the general assembly, have instructed me to report the following joint rules and recommend their adoption:

*Rule 1.* When the Senate assemble in the Hall of the House of Representatives, the President of the Senate shall take his seat on the left of the Speaker of the House, and the Senators shall seat themselves in chairs to be provided for the purpose, immediately in front of the inner row of Desks in the Hall of the House.

*Rule 2.* No Senator shall during a joint vote of the two Houses, intermix with the Representatives, nor shall the Representatives intermix with the Senators.

*Rule 3.* Each Senator and Representative shall answer from his seat when his name is called in its order by the Secretary of the Senate or Clerk of the House, and any Senator or Representative who shall fail or refuse to vote when his name is called, shall be considered as having waived his right to vote, and shall not afterwards be allowed to do so.

*Rule 4.* No Senator or Representative shall approach the clerk's table during the time the Senate is in the House.

*Rule 5.* The President of the Senate shall preserve order among the Senators in the same manner as if the Senate were in session in the Senate Chamber, and the Speaker of the House shall keep and preserve order among the Representatives as he would were the Senate not present.

Mr Shields moved to lay the report on the table, which was lost. Mr Godbold moved to strike out the 3d rule reported by the committee, which was lost. The report and rules were then by the House concurred in.

The hour of twelve having arrived, Mr Baldwin moved to suspend the orders of the day for the purpose of offering a resolution, which was lost.

Mr Martin from the select committee to which was referred the engrossed bill of the Senate, entitled an act to authorize Sheppard Brazleton, and Wm R. Johnson to build a bridge across the Tallapoosa river, in the county of Randolph, reported the same back to the House with an amendment and recommended its passage: the bill as amended was then read—Mr McKnight moved to refer the bill, as amended, to the committee on Roads, Bridges, and Ferries, which was carried.

Mr Booth from the select committee to which was referred the petition of William C. Gibson and others, citizens of Barbour county, praying for the passage of a law appointing a board of Commissioners to dispose of a certain sec-

tion of land, reported a bill to provide for the appointment of a *Board of Commissioners* to dispose of a certain section of land therein named, which was read a first time and ordered to a second reading.

The *House* then took up the following bills as communicated to the House by a message from the Senate, viz :—

The bill to prohibit unlawful banking associations, and for other purposes : the bill to incorporate the town of Linden in the county of Marengo : the bill regulating sales by the sheriff the county of Shelby : the bill touching fines imposed by brigade court's martial : the bill prescribing the mode of establishing and licensing toll bridges, causeways, and ferries—also, defining the rights and liabilities of the owners thereof : the bill to attach a part of the county of Dale to the county of Henry : the bill to provide for the payment of Capt. Joseph Cook's company ; the bill to incorporate the town of Prairie Bluff, in the county of Wilcox : the bill for the relief of William Jourdan of Washington county : the bill to permit Justices of the Peace for the two Beats which meet in the city of Tuscaloosa, to hold their offices within either of the said Beats, and for other purposes : the bill to incorporate the Fayetteville Male and Female Academy, in Fayette county : the bill the better to regulate the operations of the Bank of the State of Alabama and its several Branches : the bill to attach a part of the county of Tallapoosa to the county of Montgomery : the bill explanatory of an act therein named : the bill to authorize the Judge of the county court of the county of Franklin, and Commissioners of Roads and Revenue to allow compensation to certain persons therein named and for other purposes : the bill to authorize and require the Tennessee canal Commissioners to ascertain whether any thing be due to John R. & S. S. Henry, and if so, to settle with them accordingly : and, the bill to regulate the wages of the door keeper and messenger of the House of Representatives, and the door keeper of the Senate : were severally read a first time and ordered to a second reading.

The engrossed bill from the Senate for the relief of William Smith of Madison county, was read the third time and passed : ordered that the Clerk acquaint the Senate therewith.

The engrossed bill to divide the counties of Sumter and Washington, being under consideration, Mr Shields moved to fill the blank with “Pushmatahaw,” which was carried : and then the House adjourned till half past 3 o'clock.

*Evening Session, January 21st, 1839.*—The House resumed the consideration of the bill to divide the counties of Sumter and Washington : Mr Abercrombie moved to amend by adding an additional section as follows :—“*And be it further enacted, That those votes residing in the territory taken from Sumter county, shall vote with Sumter, and those residing in the territory taken from Washington county, shall vote with Washington, until the next apportionment :*” Mr Clifton of D. moved the previous question, which was sustained : the question “shall the main question be now put ?” was decided in affirmative—the bill was then read the third time and passed by the constitutional majority. Yeas 54, nays 17.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Baker Blasingsame Bolling Booth Boston Clifton of C. Clifton of D. Cook of L. Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Hall Hampton Hancock Harrison Henderson Hogg Holly Jones of B. Jones of C. Kennedy Lipscomb Martin McAlister McAlpin of G. McConnel McKnight Mills Mitchell Morris Morrow Moore of mar. Murphy Neely Payne Peters Phillips Porter Ruggin Rutherford Searcy Shields Simmons Smith of D. Smith of M. Tarver Taylor of F. Warren Weisinger Williams of J. Williams of T. Withers Wright and Young.

Those who voted in the negative are messrs. Abercrombie Andress Baldwin Bates Carmack Craw-

ford Hammond High Hiliard Hollis McClanahan of m. McClanahan of S. Moore of mad. Priest Vining Wilson and Wynn.

Ordered that the title be as aforesaid and that the same be sent to the Senate for its concurrence.

The engrossed bill fixing the salaries of the Secretary of State, Treasurer, Comptroller of Public Accounts and Adjutant and Inspector General, being under consideration, mr McClannahan of S, moved to amend the 3d section of the bill by way of engrossed ryder, as follows, "*Provided*, That this section shall not be so construed as to cover more than three hundred dollars per annum" which was lost. The bill was then read the third time and passed. Yeas 45, nays 42.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Abercrombie Baldwin Baker Bates Blassingame Booth Burke Clifton of D. Cook of L. Crawford Creagh Ellis Esselman Garner Godbold Hall Hiliard Hogg Holly Jones of P. Lipscomb McAllister McAlpin of G. McClanahan of S. McConnell Mills moore of mad. moore of mar. Neilly Payne Peters Phillips Porter Rutherford Searcy Shields Shorridge Smith of D. Smith of m. Tarver Weissinger Withers Wright and Young.——Those who voted in the negative are, Messrs. Andress Bolling Boston Carmack Clifton of C. Crayton Crenshaw Douglass Earle Finley Golding Hammond Hampton Hancock Harrison Henderson High Hollis Jones of D. Kennedy Lindsey martin Mason McClanahan of m. McKnight McMillion Mitchell Morris Morrow murphey Priest Rogan Shannons Semmers Taylor of F. Vining Warren Williams of J. Walker Williams of T. Wilson and Wynn.

Ordered that the title be as aforesaid, and that the same be sent to the Senate for its concurrence.

The bill to alter and amend the charter of the city of Mobile, being next under consideration; mr Lipscomb moved to amend by way of substitute, which was carried: the bill was then read a second time and ordered to be engrossed for a third reading.

The bills entitled, an act to raise a fund for the benefit of the Fire Company in the city of Mobile: an act to divorce Thomas B. Ballard from his wife Nancy Ballard: an act for the relief of the purchasers of the 16th section, of township four, range four, west, in the county of Limestone: an act to divorce Nancy Patterson from her husband Edward Patterson: an act to divorce Mary H. Rutledge from her husband William P. Rutledge: an act to appoint an additional surveyor for the county of Jackson: an act to authorize Henry C. Dunn to make a title to a certain tract of land: an act to change the name of a certain person therein named, and for other purposes: an act to incorporate the town of Warsaw, in the county of Sumter: and, an act to incorporate a Male Academy in the town of Livingston—were severally read the second time and ordered to be engrossed for a third reading.

The bill entitled an act to amend an act entitled an act to establish a Board of Commissioners for the improvement of the navigation of the Coosa river, and for other purposes, was read the second time and referred to a select committee consisting of the delegation from the counties of Benton, St. Clair, Cherokee, Talladega, Shelby, Coosa, and Autauga.

The bill to authorize John Brandon and others, to turnpike a road therein named, being under consideration, mr Morris moved to amend by an additional section, which was lost: mr Clifton of C., moved that the bill be referred to a select committee, which was carried: whereupon messrs. Clifton of C., and Smith of D., were appointed said committee.

The bill to create and appoint three Commissioners to settle and pay for work done on the Muscle Shoal's canal by John R. & S. S. Henry, assignees of John Ives & Co., upon principles of equity and justice, was, on motion, laid on the table.

The bill for the relief of Sarah Sallis, was read the second time and referred to a select committee.

The bill to authorize a toll bridge to be built across the Warrior river, was

read the second time and referred to a select committee consisting of the delegation from the counties of Mobile, Greene, and Tuscaloosa.

The bill from the Senate, entitled an act declaring Sipsey river, a public highway, was read the second time and ordered to a third reading.

The bill entitled an act to give a specific name to the literary institution near Marion, in the county of Perry, was read the second time and the constitutional rule requiring bills to be read on three several days, being dispensed with, it was read the third time and passed : ordered that the Clerk acquaint the Senate therewith.

The bill from the Senate to incorporate the Carthage Female Academy, being under consideration, mr Mason moved to amend by striking out the word "Cathrage" wherever it occurs in the bill and inserting the word "Carthage" which was concurred in : mr Porter moved to amend by inserting the words "Male and" before the word "Female" which was carried ; the bill was then read the second time and ordered to a third reading.

The bill from the Senate to change the time of holding the county court of Benton county, was read, and on motion was laid on the table.

The bill from the Senate to alter and amend the law now in force, fixing the compensation of certain State officers, was read, and on motion, laid upon the table.

The bill to authorize the formation of an additional regiment in the county of Barbour, being under consideration, mr Booth moved to fill the blank with the number "84" which was carried ; the bill as amended, was then ordered to be engrossed for a third reading.

The bill regulating the manner in which certain bonds therein named, should be taken and approved, was read and referred to the committee on the judiciary.

The bill more effectually to punish the vile practice of trading with slaves, was read the second time and referred to a select committee, consisting of messrs. Porter, Phillips, and Payne.

The bill regulating the pay of Jurors and for other purposes, was read a second time and referred to the committee on the Judiciary.

Then the House adjourned till to-morrow morning half past 9 o'clock.

*Tuesday, January 22d, 1839.*—mr Clifton of C., presented the petition of sundry citizens of Cherokee county, which was read and referred to the committee on the Judiciary.

Mr Porter presented the petition of sundry citizens of Tuscaloosa county, which was read and referred to the committee on County Boundaries.

Mr Andress from the committee on propositions and grievances, to which was referred the petition of sundry citizens of Mobile county, reported the same back to the *House*, and moved its reference to a committee consisting of the delegation from Mobile county, which was, by the House, concurred in.

Mr. Andress from the committee on propositions and grievances to which was referred numerous petitions from the people of Alabama, praying for legislative action in regard to the sale of ardent spirits, having bestowed upon the subject that earnest consideration which its importance merits, have instructed me to report, that they are deeply sensible of the magnitude of the evil spoken of; they know that it possesses a great strength, and that wherever it treads its leaves desolation and wickedness behind, and in its influence, is fatal alike to private happiness and to public virtue—it has invaded the social circle and robbed home of all its endearments making the wife tremble in the presence of one, who should be her instructor—and the child shrink from the glance of an eye, which should have beamed with a father's kindness. It has blighted youth, and brought down grey hairs with sorrow and shame to their graves. Nor have men in office, clothed with important promises, and honored with public confidence, always es-

caped its influence : they have at times yielded to its strength and dishonored at once themselves and their country.

The committee are gratified, however, to observe the strength which public sentiment is gathering in its efforts to crush the great evil ; more than ten thousand names are signed to the petitions presented to the legislature, and no doubt is entertained that thousands more, might have been obtained by more active exertions—it is believed too, that public sentiment, now powerfully aroused, and this, directed against this alarming vice—will in time, succeed in subduing it.—Entering fully into the views of the petitioners, sharing with them, their detestation for the evil, and their solicitude for its extermination—the committee apprehend that any action of the legislature upon the subject at this time, might injure the cause which it was designed to aid ; but while they think it inexpedient to legislate on the subject, they would encourage the friends of the temperance cause, to persevering and increasing exertions, and hope to see achieved at no distant day, a conquest, which, while it honors them, will bless mankind.

Mr Carmack moved to lay the report on the table, which was carried. Yeas 55, nays 26.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Speaker Abercrombie Baldwin Baker Boston Carmack Clifton of c. Clifton of D. Cook of L. Crayton Douglass Ellis Eselman Finley Garner Godbold Golding Hampton Hancock Henderson Hiliard Hollis Holly Jones of c. Kennedy Mason McMaster McAlpin of G. McClanahan of m. McClanahan of S. McConnel McKnight Mills Morris Moore mar. Murphey Neily Peters Phillips Priest Rogan Rutherford Shields Smith of m. Tarver Taylor of F. Vining Walker Warren Williams of J. Williams of T. Withers Wright and Wynn

Those who voted in the negative are, messrs. Andress Bates Bolling Burke Crawford Creagh Crenshaw Hall Hammond Harrison Hogg Jones of B Jones of P Martin Mitchell Morrow Moore of W. Philpot Porter Shortridge Simmons Smith of D. Sommers Weissinger Wilson and Young.

A message was received from the Senate by mr Childress, their assistant Secretary. Mr Speaker, the Senate have passed bills which originated in the House of Representatives, of the following titles, viz :—

An act to divorce Sarah Greene from her husband William Greene : an act to divorce Lucretia Tate from her husband Griffith Tate : an act to divorce Elizabeth Dance from her husband Henry B. Dance : an act to divorce Emeline Redgell from her husband John W. Redgell : an act to divorce Elizabeth Green from her husband John W. Green.

A message was received from the Senate by mr Childress their assistant Secretary—mr Speaker, the Senate have passed bills of the following titles which originated in the House of Representatives.

An act to change the time of holding the county court in the county of Benton, and have amended the same as therein shewn : an act to amend the laws relating to absconding slaves, and have amended the same as therein shewn : an act to change the time of holding the Commissioners court for the county of Bibb, and have amended the same as therein shewn : an act requiring Justices of the Peace to give bond and security, and have amended the same as therein shewn : an act to authorize the court of Commissioners of Revenue and Roads in the county of Benton, to levy a special tax and for other purposes.

The bill to change the time of holding the county court in the county of Benton as amended by the Senate, was read and the amendment concurred in. Ordered that the Clerk acquaint the Senate therewith. The bill requiring Justices of the Peace to give bond and security as amended by the Senate, was then read and the amendments concurred in. Ordered that the Clerk acquaint the Senate therewith. The bill entitled an act to amend the law relating to absconding slaves, as amended by the Senate, was read and the amendment concurred in. Ordered that the Clerk acquaint the Senate therewith. The bill entitled an act to change the time of holding the commissioners court for the county of Bibb, as amended by the Senate, was read and the amendments concurred in. Ordered that the Clerk acquaint the Senate therewith.

Mr Smith of D. from the select committee, to which was referred the bill : u



thorising John Brandon and his associates to turnpike a certain road therein named, reported the same back to the House amended as therein shewn, in which the House concurred, and the bill as amended ordered to be engrossed for a third reading.

Mr Taylor of F. from the committee on roads, bridges and ferries, to which was referred a bill providing for the erection of a toll bridge across the Tallapoosa river, reported the same back to the House amended by an addition section and recommended its passage. Mr McKnight moved to postpone the further consideration of the bill indefinitely which was carried.

A message was received from the Senate, by Mr Childress, their assistant secretary; the Senate concur with the joint committee in their report, and have adopted the joint rules to be observed in joint elections of the two Houses.

Mr Lipscomb from the select committee, to which was referred the petition of William F. Cleaveland and others, reported a bill to amend the charter of the Eagle rail road and lumber company, which was read the first time and ordered to a second reading.

Mr Morris from the committee on Indian affairs, to which was referred the petition of Captain Joseph T. Cook, asking compensation for a company of volunteers who marched from Franklin county to Tuscaloosa and were not received into service, reported the same back to the House and asked to be discharged from the further consideration of the same, in which the House concurred.

Mr Porter from the select committee, to which was referred a bill to be entitled an act for the relief of Sarah Sallis, reported a bill in lieu thereof for the relief of Sarah Sallis, which was read, and the substitute concurred in. The bill was then ordered to be engrossed for a third reading.

Mr McAlpin of G. from the joint committee appointed to examine the offices of the Comptroller of Public Accounts and State Treasurer, have performed that duty and have instructed me to report that they commenced their investigation with the 27th day of November, 1836, to which date the said offices have been examined by a committee appointed for that purpose by the Legislature, as appears by said report. The committee having compared every voucher with the entries on the books in the Comptroller's office, and all the vouchers in the Treasurer's office with the corresponding entries in his books together with the various acts authorising payments, &c. from that period to the close of the fiscal year, on the 26th of November, 1838; an examination running through more than four thousand entries, and in all of which, not the least difference appeared; they also examined all the additions and extensions of the books, and compared them with the general reports made by those officers, and found them to correspond with exact correctness; to the reports the committee refer for the condition of the several funds, and for the balance in the Treasury, all of which is on deposit, as appears by the Treasurer's Bank book. The committee also examined a neatly executed register in the office of the treasurer of all the State bonds issued, pursuant to the acts of the General Assembly, creating State stock, since 1834, and a tabular statement of all that had been issued from 1827, to that time. The books in both offices are kept in a clean, neat style, and in a plain and simple system; and all the papers, vouchers, &c. correctly and carefully filed; the committee cannot close their report, without expressing their sense of the great facilities so politely offered them by those officers, and they take pleasure in saying that they have discharged the responsible duties of their respective offices with ability and fidelity. **SOL'ON McALPIN**, Chairman on the part of the House of Rep.  
**B. W. HUDSON**, Chairman on the part of the Senate.

Which report was ordered to be spread on the journals.

Mr Porter offered the following resolution. Resolved. That this House, with the concurrence of the Senate, shall proceed to elect Presidents and Directors of the different Banks in the following order:—For the State Bank on Tuesday, (this day): For the Mobile Branch on Wednesday: For the Montgomery branch on Thursday: For the Decatur branch on Friday: For the Huntsville branch on Saturday, at 12 o'clock of each day. Mr Lindsey moved to lay the resolution on the table; which was carried.

Mr Henderson offered the following resolution: Resolved, That with the concurrence of the Senate, the two Houses will adjourn *sine die* on Thursday, 31st inst. Mr Harrison moved to lay the resolution on the table; which was carried.

The House took Mr Phillip's resolution, to wit: Resolved, That during the remainder of the session, the orders of the day shall be taken up at 11 o'clock in the forenoon; which was adopted.

Mr Henderson who voted with the majority, moved to reconsider the vote taken on yesterday, on passage of the bill to divide the counties of Sumter and Washington, which was carried—yeas 62, nays 26.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Burke Carmack Clifton of D. Crayton Crenshaw Earle Ellis Esselman Finley Garner Golding Hall Hammond Hampton Hancock Henderson High Hilliard Hogg Hollis Holly Jones of B Lindsey Mason McAlpin of G. McClanahan of m. McClanahan of S. Mcmillan Mitchell Morrow Moore of m. Moore of mar. Moore of W. Neily Peters Porter Priest Rogan Rutherford Shortridge Simmons Smith of D. Sommers Taylor of F. Vining Walker Weissinger Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.

Those who voted in the negative are, messrs. Bolling Booth Boston Clifton of c. Cook of L. Crawford Creagh Douglass Godbold Jones of c. Jones of P. Kennedy Lipscomb McAlpin of m. McKnight Mills Morris Murphey Payne Phillips Philpot Shields Smith of m. Tarver and Warren.

Mr Hall moved to lay the bill on the table, which was carried.

The bill from the Senate declaring Sipsey river a public highway, was read the third time, and ordered to be laid on the table.

The bill from the Senate to incorporate the Carthage Female Academy, was read the third time and passed: Ordered that the Clerk acquaint the Senate therewith.

The bill to incorporate the town of Warrenton, was read the second time, and ordered to be engrossed for a third reading.

The bill showing how far parol evidence shall be admissible to explain bills of lading, was read the second time, and referred to the committee on the Judiciary.

The bill to incorporate the Bellefonte Academy, in the county of Jackson, was read the second time, and ordered to be engrossed for a third reading.

The bill to alter the mode of assessing and collecting the County tax of Baldwin county, was read the second time. Mr Jones of B moved to amend by an additional section, which was carried. The constitutional rule requiring bills to be read on three several days, being dispensed with, the bill was considered as engrossed, and read the third time forthwith and passed: Ordered that the title be as above; and that the same be sent to the Senate for its concurrence.

The bill to authorize David Shelton and others to open a certain road therein named, was read the second time and referred to a select committee, consisting of Messrs. Golding, Clifton and Smith of D.

The engrossed bill to raise a fund for the use of the fire company in the city of Mobile: the engrossed bill for the relief of the purchasers of sixteenth section of township four, range four west, in the county of Limestone: the engrossed bill to divorce Nancy Patterson from her husband Edward Patterson:

the engrossed bill to incorporate the town of Warsaw, in Sumpter County: and the engrossed bill to authorize the formation of an additional regiment in the county of Barbour, were severally read the third time and passed: Ordered that their titles be as aforesaid, and that the same be sent to the Senate for its concurrence.

The bill from the Senate to amend the laws now in force respecting runaway slaves, was read the second time, and ordered to be laid on the table.

The bill from the Senate to incorporate the town of Lowndesboro, in the county of Lowndes, was read the second time, and ordered to a third reading.

The bill from the Senate to incorporate the Marble Spring Academy, in the county of Talladega, was read the second time, and ordered to a third reading.

The bill from the Senate to authorize the Mobile College to confer degrees, and exempt the property thereof from taxation, was read the second time, and ordered to a third reading.

The bill prescribing the mode of establishing and licensing of toll bridges, causeways and ferries,—also defining the rights and liabilities of the owners thereof,—was read the second time, and referred to the committee on roads, bridges and ferries:

The bill to incorporate the Union Hotel Company, was read the second time, and ordered to be engrossed for a third reading.

Mr Phillips, from the select committee to which was referred a bill to be entitled an act more effectually to punish the vile practice of trading with slaves, reported the same back to the House, with an amendment: the bill as amended was then read, and the amendment concurred in. Mr Smith of M. moved to lay the bill on the table, which was carried.

Mr McAlpin, of M., from the select committee to which was referred the petition of the master Wardens and Brethren of Lodge No. 40, reported a bill to authorize the master wardens of Lodge No. 40 to raise a sum of money by lottery in the city of Mobile. Mr. Wright moved to lay the bill on the table, which was carried.

The bill to incorporate the Dadeville Male Academy, was read the second time, and ordered to be engrossed for a third reading.

The bill to incorporate the Dadeville Female Academy, was read the second time and ordered to be engrossed for a third reading.

The bill for the relief of Parker and White, was read a second time and ordered to be engrossed for a third reading.

The bill to suspend suits against executors, &c. for twelve months from the time of proving the wills of testators, or of granting letters of administration, was read the second time. Mr. Martin moved it be referred to the committee on the Judiciary, which was carried.

The bill to authorize Joseph Booth to remove the property of his wards, and for other purposes, was read the second time, and referred to the committee on the judiciary.

The bill to sell the real estate of Matthew B. Rice, deceased, was read the second time, and ordered to be engrossed for a third reading.

The bill to alter and amend an act on the subject of public roads, approved on the 23d December, 1836, so far as regards the county of Covington, was read the second time and ordered to be engrossed for a third reading.

The bill to authorize James Henderson to peddle in the county of Marshall, was read the second time and ordered to be engrossed for a third reading.

The bill from the Senate entitled an act to compensate certain persons therein named, was read the second time. Mr. Smith of D. moved to amend, as follows: 'Thomas B. Ragdon the sum of sixteen dollars and fifty cents, for services rendered as a private in Captain Jackson's company, in going to, and returning from, Washington,' which was carried. The bill as amended was then ordered to a third reading.

The bill from the Senate entitled an act to authorize and establish a third battalion in the 73d regiment of Alabama militia, was read the second time. Mr. Boston moved to amend by an additional section, which was carried. The bill as amended was then ordered to a third reading.

The bill from the Senate to authorize the Sheriff of Marion county to perform certain duties therein named, was read the second time and ordered to a third reading.

The bill from the Senate entitled an act to allow additional compensation for taking the census of this State, was read the second time. Mr. Peters moved to amend, by striking out 'twenty-five,' and inserting 'fifty.' Mr. Henderson moved that the bill be indefinitely postponed, which was lost—yeas 27, nays 53.

The yeas and nays being demanded those who voted in the affirmative are, messrs Bolling Boston Carmack Crayton Crenshaw Douglass Esselman Garner Hall Hampton Harrison Henderson Hollis Jones of B. Kennedy McClanahan of m. Mitchell Morrow Moore of mad. Neiley Porter Priest Simmons Smith of m. Taylor of F. Walker and Wynn.

Those who voted in the negative are, messrs Speaker Abercrombie Andress Baker Bates Blassingame Booth Burke Clifton of D. Cook of L. Crawford Creagh Finley Godhold Golding Hammond Hancock Hilliard Hogg Holly Jones of c. Lindsey Martin Mason McAlister McAlpin of G. McAlpin of m. McClanahan of S. McConnell McKnight Mills Morris Moore of mar. Moore of W. Murphy Payne Peters Phillips Philpot Rogan Rutherford Shields Shortridge Smith of D. Somners Tarver Vining Warren Weissenger Williams of T. Wilson Wright and Young.

Mr. Warren moved the previous question, which was sustained: so the House decided that the main question be now put. The main question, 'Shall the bill be ordered to a third reading on tomorrow?' which was decided in the affirmative. The bill was then ordered to a third reading—and then the House adjourned until half past 3 o'clock.

*Afternoon Session, January 22*—The bill from the Senate entitled an act to give to the orders of the County Court made on distribution of estates of deceased persons the effects of judgments, was read the second time and referred to the committee on the judiciary.

The bills to be entitled An act to repeal in part and amend the laws on the subject of public roads, so far as relates to the County of St Clair; to incorporate the Mount Moriah Male and Female Academy; for the payment of certain claims growing out of the late Indian hostilities; to change the time of holding the county courts of Macon county; to incorporate the Academy of the Ladies' Education Society, in the town of Selma; to incorporate the Gerard Manufacturing Company; to authorize the sale of slaves in the town of Demopolis; for the support of paupers in the county of De Kalb; and for the payment of a claim therein named,—were severally read the second time and ordered to be engrossed for a third reading.

The bill to be entitled an act to locate the seat of justice of De Kalb County, and for other purposes, was read the second time, and the constitutional rule requiring bills to be read on three several days having been dispensed with, the bill was considered as engrossed, read the third time and passed: Ordered that the title be as above, and that the same be sent to the Senate for its concurrence.

The bill from the Senate entitled an act to incorporate the Franklin Acade-

my, in the town of Suggsville, was read the second time, and ordered to a third reading.

The bill to repeal the laws now in force authorizing the licensing of retailers of ardent spirits in this State, was read the second time and referred to a select committee, consisting of Messrs. Carmack, Phillips, Porter and Douglass.

The bill to authorize inspectors of cotton to be appointed in the city of Mobile, was read the second time, and referred to the committee on the Judiciary.

The bill to repeal an act entitled an act to authorize the formation of limited partnerships, was read the second time. Mr. Moore, of Madison, moved to lay the bill on the table, which was carried.

Mr. Carmack, from the select committee to whom was referred the account of John P. Booth, reported a bill to compensate John P. Booth for a horse lost in the Creek service, which was read a first time, and ordered to a second reading.

The bill to regulate judicial proceedings in certain cases, was read the second time, and referred to the committee on the Judiciary.

The bill to suppress the passage of uncurrent and irredeemable money in this State, was read the second time and laid on the table.

The bill to abolish Brigade drills and for other purposes, was read the second time, and referred to the military committee.

The bill to amend the patrol laws, was read the second time. Mr. Wilson moved to lay the bill on the table, which was lost. The bill was then ordered to be engrossed for a third reading.

The bill to authorize the location, and provide for the construction of a public road from the town of Gainesville to the State line, in a direction to De Kalb in Mississippi, was read the second time, and referred to the committee on roads, bridges and ferries.

The bill for the relief of John Coleman, was read the second time and referred to the committee on Education.

The bill regulating the appointment of overseers of public roads, was read the second time, and referred to the committee on roads, bridges and ferries.

The bill to incorporate a rail road company from the town of Greensborough to the town of Marion, in Perry county, was read the second time and referred to a select committee, consisting of messrs. Morris, Bates and Weissinger.

The bill to confer upon Wm. Sizemore and others, all the rights and privileges of free white citizens of the State of Alabama, was read the second time. Mr. Mason moved to lay the bill on the table, which was lost. The bill was then referred to the Committee on the Judiciary.

The bill to legalize the proceedings of the Commissioners appointed by an act entitled an act to locate the seat of justice of Cherokee County, and for other purposes, passed at the called session of the General Assembly of the State of Alabama, in the year one thousand eight hundred and thirty-seven, and approved June 24, 1837, was read a second time and referred to a select committee, consisting of messrs. Clifton of C., Smith of D., and Golding.

The bill to regulate Sheriff's sales of real estate in east, west and north Wetumpka, was read the second time and referred to a select committee, consisting of the delegation from Autauga and Coosa Counties.

The bill to change the time of convening the General Assembly, was read the second time. Mr. Martin moved to refer the bill to the committee on the Judiciary, which was lost. The bill was then ordered to be engrossed for a third reading.

The bill to increase the responsibilities of certain persons therein named, was read the second time. Mr. Warren moved to lay the bill on the table, which was lost. The bill was then ordered to be engrossed for a third reading.

The bill to regulate the indebtedness of the members of the General Assembly to the State bank and branches was read the second time. Mr. Baker moved to refer the same to the committee on the judiciary. Mr. Hall moved to postpone the further consideration of the same until the 5th February next; which was carried. Yeas 45, nays 37.

The yeas and nays being demanded, those who voted in the affirmative are messrs Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Boston Clifton of D. Crayton Ellis Golding Hall Hampton Hancock Henderson Hilliard Hogg Holly Jones of P. Kennedy Lindsey Mason McAlpin of M. Mitchell Moore of Mar. Moore of W. Neily Peters Philpot Porter Rutherford Smith of M. Sommers Vining Walker Warren Weissinger Williams of J. Wilson Withers Wright and Young.

Those who voted in the negative are messrs. Booth Baker Clifton of C. Cook of L. Crawford Creagh Crenshaw Douglass Earle Esselman Finley Garner Hammond Harrison Hollis Jones of B. Lipsecomb McAlpin of G. McClanahan of M. McClanahan of S. McKnight Mcmillan Mills Morris Morrow Moore of M. D. Murphy Payne Philips Priest Rogan Shields Simmons Smith of D. Taylor of F. Williams of T. and Wynn.

A message was received from the Senate by Mr. Withers, their secretary—Mr. Speaker: The Senate have passed the bill which originated in the House of Representatives entitled an act to establish a State prison and penitentiary, and have amended the same as therein shown, in which they ask the concurrence of your honorable body.

The bill entitled an act to establish a State prison and penitentiary as amended by the Senate, was read and the amendments concurred in. Ordered, that the clerk acquaint the Senate therewith.

The engrossed bill to authorize Henry C. Dunn to make a title to a certain tract of land was read a third time and passed. Ordered, that the title be as aforesaid and that the same be sent to the Senate for its concurrence.

The engrossed bill to be entitled an act for the encouragement of education was read the third time. Mr. Warren moved that the bill be indefinitely postponed. And then the House adjourned till to-morrow at half past 9 o'clock.

*Wednesday, January 23d, 1839.*—A message was received from the Senate by Mr. Childress, their assistant secretary—Mr. Speaker: The Senate have passed bills which originated in the Senate of the following titles, viz: An act to promote silk culture; an act to compensate certain persons therein named; an act for the relief of Elijah Dodson; an act to protect the character of females from slanderous aspersion; an act to amend the twelfth section of an act to incorporate the Montgomery rail road company, approved January 15th, 1834; an act to revise and amend the laws in relation to schools and school lands, approved November 17th, 1837; and an act the more effectually to prohibit free negroes and persons of color from entering into and remaining in this State.

Mr. Shortridge presented the petition of sundry citizens of Montgomery county in relation to an election precinct, which was read and referred to the committee on privileges and elections.

Mr. Young from the committee on the judiciary to whom was referred a petition praying for the passage of a law allowing constables the same per cent. upon moneys collected by them that is now allowed to sheriffs, have considered the same and instructed me to report that it would be inexpedient to legislate upon the subject; in which report the House concurred.

Mr. Young from the same committee to which was referred a bill to be entitled an act to amend the law in relation to prison bounds, have had the same under consideration and have instructed me to report that the object has been em-

braced in a bill already before the House, and asked to be discharged from the further consideration of the subject; in which report the House concurred.

Mr Young from the same committee, to which was referred a bill entitled an act the better to regulate the executing and serving process in civil cases, reported the same back to the House with an amendment, and that it would be inexpedient to pass such a bill, in which report the House concurred.

Mr Young from the same committee, to which was referred a petition praying for the passage of a law allowing plaintiffs to prove the amount of twenty dollars by their own oath, where the amount is over that sum, reported that the subject has been embraced in a bill already before this House, and ask to be discharged from the further consideration of the subject; in which report the House concurred.

Mr Young from the same committee, to which was referred the petition of Nathan Hay, reported it would be inexpedient to legislate upon the subject, and asked to be discharged from the further consideration of the same. Mr Payne moved that the report lie on the table; which was carried.

Mr Young from the same committee, to which was referred a bill to be entitled an act to amend judicial proceedings at common law in regard to suits against copartners, reported the same back to the House without amendment, and recommended its passage. The bill was then ordered to a third reading.

Mr Young from the same committee, to which was referred a petition signed by many citizens praying for an additional judicial circuit, reported that the subject is before the House of Representatives in a bill from the Senate, and asked to be discharged from the further consideration of the petition, in which the House concurred.

Mr Young from the same committee, to which was referred a bill to be entitled an act to alter and amend the charter of the Bank of the State of Alabama and its several Branches, reported the same back to the House with the following amendments, to wit: strike out the first section of the bill; amend the second section by striking out the words 'two thousand' in the third line and insert in lieu thereof 'fifteen hundred'—strike out the fifth section of the bill—in the eleventh section strike out the word 'annually' and insert 'quarterly'—strike out the 12th, 13th, 15th, and 16th sections of the bill. The first, second and third amendments proposed by the committee, were adopted; the fourth amendment proposed, to strike out the 12th section, was concurred in. Yeas 48, nays 41.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker Andrews Baker Bates Blassingame Bolling Clifton of D. Crawford Crayton Crenshaw Earle Ellis Finley Godbold Hall Hampton Henderson High Hilliard Hogg Hollis Jones of B. Jones of P. Kennedy Lindsey McAlister McAlpin of G. McClanahan of S. McConnel Mills Mitchell Moore of mad. moore of mar. Neily Peters Phillips Philpot Porter Priest Rogan Sommers Vining Walker Weissinger Williams of T. Withers Wright and Young.

Those who voted in the negative are, messrs. Abercrombie Baldwin Boston Burke Carmack Clifton of C. Cook of L. Creagh Douglass Garner Golding Hammond Hancock Harrison Holly Jones of c. Lipscomb Martin Mason McAlpin of m. McClanahan of m. McKnight McMillion Morris Morrow Moore of w. Murphy Payne Rutherford Searcy Shields Shortridge Simmons Smith of D. Smith of m. Tarver Taylor of F. Warren Williams of J. Wilson and Wynn.

The report of the committee was then fully concurred in by the House. Mr Williams of T. moved to amend the bill as follows: *'And be it further enacted, That hereafter no individual or copartnership shall be permitted to become indebted or liable in any manner whatever, to the Bank of the State of Alabama or either of its Branches, in a greater amount than five thousand dollars, except the Branch at Mobile, and then the sum shall not exceed ten thousand dollars.'*



Mr McAlpin of m. moved to amend the amendment by way of proviso, as follows: '*Provided, however,* That nothing herein contained shall divest the president and directors of the power to discount business paper for those who are already indebted, more than the amounts respectively set forth, always curtailing these liabilities to the extent of the ability of the parties to pay, and the situation of the Bank; except upon bills of exchange; which may remain as heretofore provided for'—which was accepted by mr Williams of T. mr Wilson called for a division of the question on the adoption of the amendment, which was ordered on the first part.

A message was received from the Senate by mr Childress, their assistant secretary—mr Speaker: The Senate have passed bills of the following titles, which originated in the House of Representatives: An act to change the names of certain persons therein named, and have amended the same as therein shewn; an act to repeal so much of an act approved 23d December, 1837, as authorizes and requires the Governor to appoint three commissioners to examine the State bank and its branches; an act to repeal in part an act now in force confining the collection of debts before a justice of the peace in the beat where the defendant resides or where the contract was made and for other purposes, and have amended the same as therein shewn; an act to repeal in part an act increasing the pay of jurors so far as regards the county of Henry, approved December 21st, 1837; an act to provide for the payment of the interest on the State bonds by the State banks and the several branches; also, joint resolutions proposing to take the sense of the people of this State on the subject of calling a convention.

A message was received from the Senate by mr Childress, their assistant secretary—Mr Speaker: The Senate has passed bills which originated in the House of Representatives entitled, an act to apportion the representatives of this State into senatorial districts according to the late census, and has amended the same as therein shewn: an act establishing separate courts of chancery, and has amended the same as therein shewn.

A message was received from the Senate by mr Childress, its assistant secretary—Mr Speaker: The Senate has passed a bill which originated in the House of Representatives entitled, an act to establish a board of commissioners for the improvement of the navigation of the Choctaw *Hatchee* river, and for other purposes. And then the House adjourned until half past 3 o'clock.

*Afternoon Session, January 23d, 1839*—The house resumed the consideration of the bill to be entitled an act to alter and amend the charter of the Bank of the State of Alabama and its several Branches, the question being on the adoption of the first part of the amendment offered by mr Williams of T. mr Lindsey moved to amend the amendment by striking out the words 'in any manner whatsoever' and insert after the word 'indebted' the words 'as principal of a note or drawer of a bill;' which was lost. mr Shortridge moved to amend the amendment by adding after 'Mobile' the words 'and Montgomery;' which was lost. mr McAlpin of Mobile moved to amend the amendment by striking out all after the enacting clause for the purpose of offering a substitute; which was lost. mr Shields moved to amend by adding the following additional proviso: '*And provided further,* That the dealings of the banks in foreign exchanges shall be free from the restrictions of this act;' which was accepted by mr Williams of T. The question then recurred on the first part of the amendment to the commencement of the first proviso, and was decided in the negative. Yeas 39, nays 45.

The yeas and nays being demanded, those who voted in the affirmative are messrs. Address Boston Carmack Clifton of c. Crawford Crayton Creagh Douglass Earle Garner Hall Hampton Hancock

Harrison Henderson Hollis Holly Lindsey Mason McAlister McAlpin of G. McClanahan of m. McConnell McKnight McMillion Morrow Philpot Priest Rutherford Searcy Shields Smith of D. Taylor of F. Walker Williams of T. Wilson and Wynn.

Those who voted in the negative are, messrs. Speaker Abercrombie Baldwin Baker Bates Blassingame Bolling Booth Burke Clifton of D. Cook of L. Crenshaw Ellis Esselman Finley Godbold Golding High Hilliard Hogg Jones of B. Jones of C. Jones of P. Kennedy Mills Mitchell Morris Moore of mad. Moore of mar. Moore of W. Neely Peters Phillips Porter Rogan Shortridge Simmons Smith of m. Sommers Warren Weissinger Williams of J. Withers Wright and Young.

Mr Williams of T. moved to amend by an additional section; which was carried. Yeas 53, nays 32.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker Andress Burke Carmack Clifton of C. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Finley Garner Golding Hampton Hancock Harrison Henderson Hollis Holly Jones of B. Jones of C. Lindsey McAlpin of G. McClanahan of m. McConnell McKnight McMillion Mills Mitchell Morris Morrow Moore of mad. Murphy Neely Phillips Rogan Rutherford Searcy Shields Simmons Smith of D. Smith of m. Taylor of F. Vining Walker Warren Williams of J. Williams of T. Wright and Wynn.

Those who voted in the negative are, messrs. Abercrombie Baldwin Bates Blassingame Bolling Booth Boston Clifton of D. Ellis Godbold Hall High Hilliard Hogg Jones of P. Kennedy Lipscomb Mason McAlpin of m. Moore of mar. Moore of W. Payne Peters Philpot Porter Shortridge Sommers Weissinger Withers and Young.

Mr Shields moved to amend by an additional section, which was carried. — Yeas 44, nays 41.

The yeas and nays being demanded, those who voted in the affirmative are messrs Speaker Baldwin Baker Bolling Boston Burke Clifton of C. Cook of L. Crawford Creagh Crenshaw Douglass Finley Garner Golding Hampton Hancock Harrison Holly Lipscomb Mason McClannahan of m. McConnell McKnight Mills Morris Morrow Payne Peters Philpot Rogan Searcy Shields Shortridge Simmons Smith of D. Smith of m. Taylor of F. Vining Warren Williams of J. Williams of T. Wilson and Wynn.

Those who voted in the negative are messrs Andress Bates Blassingame Booth Clifton of D. Crayton Earle Ellis Esselman Godbold Hall Hampton Henderson Hilliard Hogg Hollis Jones of B. Jones of C. Jones of P. Kennedy Lindsey McAlister McAlpin of G. McAlpin of m. McMillion Mitchell Moore of mad. Moore of mar. Moore of W. Murphy Neely Phillips Porter Priest Rutherford Sommers Walker Weissinger Withers Wright and Young.

Mr Harrison moved to amend by two additional sections, as follows:

Sec. —. *And be it further enacted*, That the Bank of the State of Alabama and its several Branches, shall in all cases bring their suits for collection, in the county where debtor resides.

Sec. —. *And be it further enacted*, That the solicitors of the several judicial circuits of the State are hereby made Bank solicitors, who shall receive for their services the same fees as are now allowed by Bank attorneys.

Mr Baldwin moved to postpone the further consideration of the bill until the first day of February next; which was lost. Yeas 33, nays 53.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Abercrombie Baldwin Bolling Clifton of D. Crayton Golding Hall Hilliard Hogg Jones of B. Jones of C. Jones of P. Kennedy Lipscomb Mason McAlpin of m. Mills Mitchell Moore of mad. Moore of mar. Moore of W. Murphy Porter Priest Rogan Shortridge Simmons Smith of m. Walker Williams of J. Wilson Withers and Wright.

Those who voted in the negative are, messrs Speaker Andress Baker Bates Blassingame Booth Boston Burke Carmack Clifton of C. Cook of L. Crawford Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Hampton Hancock Harrison Henderson Hollis Holly Lindsey McAlister McAlpin of G. McClanahan of m. McConnell McKnight McMillion Morris Morrow Neely Payne Peters Phillips Philpot Rutherford Searcy Shields Smith of D. Sommers Taylor of F. Vining Warren Weissinger Williams of T. Wynn and Young.

The question then recurred on the adoption of the first section proposed by Mr Harrison as an amendment, and was carried. Yeas 49, Nays 37.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Abercrombie Baker Blassingame Booth Boston Burke Clifton of C. Clifton of D. Crawford Crayton Crenshaw Douglass Esselman Finley Golding Hall Hampton Harrison Henderson Hogg Hollis Holly Jones of B. Jones of C. Kennedy Mason McAlister McConnell McKnight McMillion Mills Morris Morrow Moore of mar. Moore of W. Murphy Peters Priest Rogan Rutherford Shields Simmons Smith of D. Taylor of F. Walker Warren Williams of J. Wilson and Wright.

Those who voted in the negative are, messrs. Speaker Andress Baldwin Bates Bolling Carmack Cook of L. Creagh Earle Ellis Garner Godbold Hancock High Hilliard Jones of P. Lipscomb McAlpin of

G. McAlpin of m. McClanahan of m. Mitchell Moore of mad. Neily Payne Phillips Philpot Porter Searcy Shortridge Smith of m. Sommers Vining Weissinger Williams of T. Withers Wynn and Young.

Mr Young moved to lay the bill on the table, which was carried.

Mr Carmack, from the select committee to which was referred a bill to be entitled an act to repeal the law now in force authorizing the licensing of retailers of ardent spirits, reported a substitute therefor, to be entitled an act to repeal in part and amend an act entitled an act to amend the laws in force relating to retailers of spirituous liquors, approved December 23, 1837. and recommended its adoption. Mr Golding moved to lay the bill on the table. Mr Hollis moved to postpone the further consideration of the same until the first day of February next, which was lost. Yeas 19, Nays 62.

The yeas and nays being desired, those who voted in the affirmative are messrs. Crenshaw Earle Golding Hollis Jones of B. Jones of C. Mason McAlister McAlpin of m. Morrow Moore of mar. Murphy Philpot Rutherford Simmons Smith of m. Walker Wilson and Wynn.

Those who voted in the negative are, messrs Speaker Abercrombie Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Carmack Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Douglass Ellis Esselman Finley Garner Godbold Hall Hampton Hancock Henderson Hilliard Hogg Holly Jones of P. Kennedy Lindsay Lipscomb McAlpin of G. McClanahan of m. McConnell McMillion Mills Mitchell Morris Moore of mad. Neily Payne Peters Phillips Porter Priest Rogan Searcy Shields Smith of D. Sommers Tarver Vining Warren Weissinger Williams of J. Williams of T. Withers Wynn and Young.

Mr Carmack moved to amend the fourth section of the substitute by striking out the word 'second,' where it occurs before the word 'retailer,' in said section, which was carried. Mr Jones of B. moved to strike out 'thirty,' where it occurs before 'dollars,' with a view to insert 'twenty.' Mr Carmack called for a division of the question, which was first taken on striking out and lost. Yeas 30, Nays 51.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Abercrombie Andrews Bolling Boston Crawford Crayton Crenshaw Earle Golding Hampton Harrison Hollis Jones of B. Jones of C. Mason McAlister McAlpin of m. McKnight Morrow Moore of Mad. Murphy Philpot Rutherford Simmons Smith of M. Walker Warren Williams of J. Wilson and Wright.

Those who voted in the negative, are Messrs. Speaker Baldwin Baker Bates Blassingame Booth Burke Carmack Clifton of C. Clifton of D. Cook of L. Creagh Douglass Ellis Esselman Finley Garner Godbold Hall Hancock Henderson Hilliard Hogg Holly Jones of P. Kennedy Lindsay Lipscomb McAlister McAlpin of m. McClanahan of m. McConnell McMillion Mills Mitchell Morris Neily Payne Peters Phillips Priest Rogan Searcy Shields Smith of D. Sommers Vining Weissinger Williams of T. Withers Wynn and Young.

The substitute proposed by the committee was then adopted, and the bill ordered to be engrossed for a third reading. Yeas 57, Nays 24.

The yeas and nays being demanded those who voted in the affirmative are, messrs. Speaker Andrews Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Carmack Clifton of c. Clifton of D. Cook of L. Crawford Creagh Douglass Ellis Esselman Finley Garner Godbold Hall Hampton Hancock Henderson Hilliard Hogg Holly Jones of P. Kennedy Lindsey Lipscomb McAlpin of G. McClannahan of m. McConnell Mcmillion Mills Morris Moore of mad. Peters Phillips Porter Priest Rogan Searcy Shortridge Smith of D. Sommers Vining Warren Weissinger Williams of J. Williams of T. Withers Wynn and Young.

Those who voted in the negative are, messrs. Abercrombie Crayton Crenshaw Earle Golding Harrison Hollis Jones of B. Jones of c. Mason McAlister McAlpin of m. McKnight Mitchell Morrow Murphy Neily Philpot Rutherford Simmons Smith of m. Wilson and Wright.

Mr Hall moved to suspend the consideration of the orders of the day, for the purpose of offering a resolution, which was carried. Mr Hall then offered the following resolution: *Resolved*, That with the concurrence of the Senate, the two Houses will convene in the Hall of the House on to-morrow at half past three o'clock, for the purpose of electing a President and six Directors, for the Branch Bank at Mobile, and on Friday at half past three o'clock, with the consent of the Senate, the two Houses will elect a President and six Directors, for the Montgomery Bank.

Mr Morris moved that the House adjourn until to-morrow morning half past 9 o'clock, which was lost. Yeas 26, Nays 35.

The yeas and nays being desired those who voted in the affirmative are, messrs. Speaker Abercrombie Bates Bolling Carmack Creagh Douglass Earle Esselman Garner Hogg Mason McAlpin of G. McClanahan of m. McKnight McMillion Morris moore of mar. Peters Porter Rutherford Somners Vining Williams of T. Wynn and Young.

Those who voted in the negative are, messrs. Address Baldwin Baker Boston Burke Crawford Crayton Crenshaw Ellis Finley Hall Hampton Hancock Hilliard Hollis Holly Jones of B. Lipscomb McAlpin of m. mitchell Morrow moore of mad. Payne Searcy Shields Shortridge Smith of m. Taylor of F. Walker Warren Weissinger Williams of J. Wilson Withers and Wright.

Mr Hollis moved a call of the House, which was lost. mr morris moved to lay the resolution offered by mr Hall, on the table.

And then the House adjourned until to morrow morning half past 9 o'clock.

*Thursday, Jan. 24* — Accounts were presented by messrs Finley and Mitchell, which were severally read and referred to the committee on accounts.

Mr Hollis presented the petition of the heirs of Andrew Maddox, deceased, which was read and referred to a select committee consisting of messrs Hollis Morrow and Taylor of F.

Mr McConnel presented the petition of Mordecai Chandler and William Blythe and sundry citizens of Benton and Talladega counties, praying for a charter to the said Chandler and Blythe, to turnpike a road therein mentioned, which was read and referred to the committee on roads, bridges and ferries.

A message was received from the Senate by mr Childress, their assistant Secretary. mr Speaker: The Senate have passed bills of the following titles, which originated in the Senate: An act to appoint commissioners to investigate the conduct of the late jailor of Mobile county, and for other purposes; an act to compensate the commissioners of revenue and roads in the county of Covington, and for other purposes; an act to incorporate the Dudleyville Academy, in the county of Tallapoosa; an act to attach a part of the county of Tuscaloosa to the county of Jefferson; an act for the relief of Margaret McCollum; an act to compensate Little & Hopkins; also, joint resolutions; in all of which they ask the concurrence of your honorable body.

Mr Booth, from the military committee, to which was referred a bill to be entitled an act to abolish brigade drills, and for other purposes, reported the same back to the house without amendment, and recommended its passage. mr Booth moved that the report lie upon the table, which was carried.

Mr Taylor of F. from the committee on roads, bridges and ferries, to which was referred a bill prescribing the mode of establishing and licensing toll bridges, causeways and ferries, also, defining the rights and liabilities of the owners thereof, reported that it is inexpedient to legislate on the subject, in which the house concurred.

Mr Taylor of F. from the same committee to which was referred a bill to authorize the location and provide for the construction of a public road from the town of Gainesville to the State line, in direction to DeKalb, in Mississippi, reported it inexpedient, in which the house concurred.

Mr Taylor of F. from the same committee to which was referred a bill regulating the appointment of overseers of public roads, reported that it is inexpedient to legislate on the subject, in which the house concurred.

Mr Taylor of F. from the same committee to which was referred the petition of Thomas S. Bibb, on the subject of a certain road therein named in the county of Lawrence, reported that it is inexpedient to legislate on the subject, in which the house concurred.

Mr Young from the judiciary committee to which was referred so much of the Governor's message, as relates to the action of the Bank of the State of Alabama in dealing in cotton, reported that the said Bank had no legal authority to deal in cotton, and

that its action was illegal and is disapproved of by the committee, in which the House concurred.

Mr Clifton of C. from the select committee to was referred the bill to legalize the proceedings of the commissioners appointed by an act entitled an act to locate the seat of justice of Cherokee county, and for other purposes, passed at the called session of the General Assembly of the State of Alabama, in the year 1837, approved, June 24, 1837, reported the same back to the House with an amendment, and the bill as amended ordered to be engrossed for a third reading.

Mr Hampton from the select committee to which was referred the memorial of R. W. Anderson and others, praying the legislature to pass a law to furnish patents to the purchasers of donation lands free of charge, which was read, reported a bill to require the Secretary of State to furnish patents to the purchasers of donation lands free of expense to said purchasers, which was read the first time. Mr Martin moved to lay the bill on the table, which was carried.

Mr Smith of D. from the select committee to which was referred the bill authorising David Shelton and his associates to turnpike a road therein named, reported the same back to the House with sundry amendments, in which the House concurred, and the bill as amended was ordered to be engrossed for a third reading.

Mr Martin introduced a bill to be entitled an act amendatory of the laws in relation to the protests of notaries public, which was read, and the constitutional rule requiring bills to be read on three several days having been dispensed with, the bill was read the second time and referred to the judiciary committee.

A message was received from the Senate by Mr Childress their Assistant Secretary.

Mr Speaker, the Senate have passed bills which originated in the House of Representatives of the following titles, viz: An act for the relief of John V. Otts: An act fixing the salaries of the Secretary of State, the State Treasurer, Comptroller of Public Accounts, and Adjutant and Inspector Generals, and have amended the same as therein shewn: An act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river and for other purposes: and, An act to establish a board of commissioners for the improvement of the navigation of the Paint Rock river and for other purposes thereunto connected.

Mr Hall called up the resolution offered by him on yesterday proposing to go into sundry elections—mr Harrison moved to strike out all after the word 'resolved' for the purpose of inserting a substitute—mr McClanahan of M. moved to lay the resolution on the table, which was carried.

Mr Wynn introduced a bill to compensate the President and Directors of the Bank of the State of Alabama and its several Branches, which was read and the constitutional rule requiring bills to be read on three several days having been dispensed with, the bill was read the second time forthwith; mr Weissinger moved to amend the bill by adding four sections; mr Martin moved to lay the bill on the table, which was lost; mr Martin moved to amend the amendment of mr Weissinger by striking out the section numbered four, the word 'twenty,' where it occurs before 'miles' with a view to insert 'fifteen.' mr Douglass called for a division of the question which was first taken on striking out and carried. mr Shields moved to fill the blank thus created with 'ten.' Mr Baker moved to fill it with 'forty.' mr Douglass moved to fill it with 'fifty.' mr Harrison moved to fill it with 'one hundred and seventy-five.' mr Priest moved to strike out from the amendment the whole section numbered four, which was carried. Mr McAlpin of G. moved to strike out all after the enacting clause for the purpose of inserting a substitute, which was carried, yeas 48, nays 40.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Abercrombie Andress Baldwin Bates Bolling Booth Burke Clifton of D. Cook of L. Crawford Creagh Crenshaw Ellis Esselman Godbold Golding Hall Hammond Harrison Hilliard Hogg Holly Jones of B. Jones of C. Jones of P. Lindsey Lipscomb Martin McAllister McAlpin of G. McAlpin of m. McConnell Mills Mitchell Moore of mar. Moore of W. Neely Payne Peters Phillips Philpot Simmons Sommers Tarver Williams of T. Withers Wright and Young.

Those who voted in the negative are, messrs. Speaker Baker Blassingame Boston Carmack Clifton of C. Crayton Douglass Earle Finley Garner Hampton Hancock Henderson High Hollis Kennedy McClanahan of m. McClanahan of s. McKnight McMillion Morris Morrow Moore of m ad. Murphy Priest Rogan Rutherford Searcy Shields Shortridge Smith of D. Smith of m. Taylor of F. Taylor of M. Warren Weissinger Williams of J. Wilson and Wynn.

Mr Harrison moved to amend by an additional section. Mr Moore of mad. moved to postpone the further consideration of the bill till the first day of February next, which was carried, yeas 51, nays 36.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Baldwin Baker Burke Carmack Clifton of C. Crayton Douglass Earle Finley Garner Golding Hammond Hampton Hancock Harrison Henderson High Hilliard Jones of B. Jones of C Jones of P Kennedy Martin Mason McClanahan of m. McConnell McMillion Mills Mitchell Morrow moore of mad. murphey Neily Porter Priest Rogan Rutherford Shields Shortridge Simmons Smith of m. Tarver Taylor of F. Taylor of M Walker Warren Williams of J. Wilson and Wynn.

Those who voted in the negative are, Messrs. Abercrombie Address Bates Bolling Booth Boston Clifton of D. Cook of L. Crawford Creagh Crenshaw Ellis Esselman Godbold Hall Hogg Holly Lindsey McAllister McAlpin of G. McAlpin of m McClanahan of S. McKnight moore of mar. moore of w Payne Peters Phillips Philpot Searcy Sommers Weissinger Williams of T. Withers Wynn and Young.

Mr Shields moved to suspend the orders of the day for the purpose of introducing a bill, which was carried.

Mr Shields introduced a bill to be entitled an act to compensate the President and Directors of the Bank of the State of Alabama and its several Branches, which was read the first time; mr McAlpin of M. moved to postpone the further consideration of the same till the first day of February next, which was lost, yeas 38, nays 50.

The yeas and nays being desired those who voted in the affirmative, are messrs. Bates Blassingame Bolling Booth Burke Clifton of C. Clifton of D. Crayton Crenshaw Earle Esselman Godbold Hall Hogg Holly Jones of B. Kennedy McAlpin of G. McAlpin of m. McConnell McKnight Mitchell Moore of mad, Moore of mar. Moore of W. Neiley Porter Searcy Shortridge Smith of m. Sommers Tarver Weissinger Williams of T. Withers Wright and Young.

Those who voted in the negative are messrs. Speaker Abercrombie Address Baldwin Baker Boston Carmack Cook of L. Crawford Creagh Douglass Ellis Finley Garner Golding Hammond Hampton Hancock Harrison Henderson High Hilliard Jones of C. Jones of P. Lindsay Lipscomb martin mason McAlister McClanahan of m. McClanahan of S. McMillion mills Morrow Payne Peters Phillips Philpot Priest Rogan Rutherford Shields Smith of D. Taylor of F. Taylor of m. Walker Warren Williams of J. Wilson and Wynn.

Mr Shields moved to dispense with the constitutional rule requiring bills to be read on three several days, for the purpose of giving the bill a second reading forthwith, which was lost; mr Shields moved that the further consideration of the bill be postponed till to-morrow, and that the same be made the special order, which was carried.

A message was received from the Senate by mr Childress their Assistant Secretary. Mr Speaker—The Senate have passed bills which originated in the Senate: An act to repeal in part an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and it Branches and legalizing the suspension of specie payments of the same and for other purposes, approved 30th June, 1837: An act to allow certain persons therein named, to charge toll for building a bridge across Lubhub creek in the county of Pickens, in which they ask the concurrence of your honorable body. The bill from the Senate to be entitled an act to promote silk culture: The bill from the Senate to be entitled an act to compensate certain persons therein named: The bill from the Senate to be entitled an act for the relief of Elijah Dodson: The bill from the Senate to be entitled an act to protect the character of females from slanderous aspersions: The bill from the Senate to be entitled an act to amend the twelfth section of an act entitled an act to incorporate the Montgomery Rail Road Company, approved, January 15, 1834: The bill from the Senate to alter and amend the laws in relation to schools and school-lands, approved, November 17, 1837: The bill from the Senate to be entitled an act more effectually to prohibit free negroes and persons of color from entering into and remaining in this State, were severally read a first time and ordered to a second reading.

A message was received from the Senate by mr Childress, their assistant Secretary, mr Speaker, the Senate have passed a bill to be entitled an act supplemental to an act to amend an act entitled an act to incorporate the city of Montgomery.

The engrossed bill to be entitled an act to repeal in part an act now in force confining the collecting of debts before a Justice of the Peace in the beats where the defendant resides or where the contract, was made, and for other purposes, as amended by the Senate, was read and the amendment concurred in : ordered that the Clerk acquaint the Senate therewith.

The engrossed bill to be entitled an act to change the names of certain persons therein named, as amended by the Senate : was read and the amendment concurred in : ordered that the Clerk acquaint the Senate therewith.

The engrossed bill to be entitled an act to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts according to the late census, as amended by the Senate : was read, Mr McConnell moved the previous question which was sustained, so the House decided that the main question be now put : the main question "will the House concur in the amendment made by the Senate to the bill?" was decided in the negative.

Yeas 41, nays 49.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Baldwin Blasingame Cook of L. Earle Finley Godbold Hall Hammond Hampton Hancock Harrison Henderson High Hogg Kennedy Lindsey Lipscomb Mason McAlpin of m. McClanahan of m. McConnell McKnight McMillion Morris Morrow Moore of mad. Payne Peters Philpot Rogan Rutherford Searcy Shields Shortridge Smith of m. Sommers Taylor of F. Taylor of m. Williams and Withers.

Those who voted in the negative are, messrs. Speaker Abercrombie Andress Bates Bolling Booth Boston Burke Carmack Clifton of c. Clifton of D. Crawford Crayton Creagh Crenshaw Douglass Ellis Esselman Garner Golding Hilliard Hollis Holly Jones of B. Jones of C. Jones of P. Martin McAllister McAlpin of G. McClannahan of S. Mills Mitchell Moore of mar. Moore of W. Neely Phillips Porter Priest Simmons Smith of D. Tarver Walker Warren Weissinger Williams of T. Wright Wynn and Young.

Ordered that the House disagree to the amendment, and that the Clerk acquaint the Senate therewith.

The engrossed bill to be entitled an act to organize and establish separate courts of chancery, as amended by the Senate : was read—the question recurring on the concurring in the first amendment made by the Senate, which was concurred in. The question then recurring on concurring in the second amendment made by the Senate—and decided in the affirmative. Yeas 79, nays 8.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blasingame Booth Boston Burke Carmack Clifton of c. Clifton of D. Cook of L. Crawford Crayton Douglass Earle Ellis Esselman Finley Garner Godbold Golding Hampton Hancock Harrison High Hilliard Hogg Holly Jones of B. Jones of P. Jones of C. Kennedy Lindsey Lipscomb Martin McAlister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of S. McConnell McKnight McMillion Mills Mitchell Morris Morrow Moore of mad. Moore of mar. Moore of W. Murphy Payne Peters Phillips Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Smith of D. Smith of m. Sommers Tarver Taylor of F. Taylor of M. Vining Walker Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.

Those who voted in the negative, are messrs. Bolling Creagh Crenshaw Hall Henderson Hollis Mason and Neely.

Ordered that the Clerk acquaint the Senate therewith.

The bill from the Senate to be entitled an act to attach a part of the county of Tuscaloosa to the county of Jefferson ; was read the first time ; Mr Searcy moved that the bill be indefinitely postponed, which was lost : the bill was then ordered to a second reading.

The bill from the Senate to be entitled an act to incorporate the Dudleyville Academy, in the county of Tallapoosa ; was read the first time and ordered to a second reading—and then the House adjourned until half past three o'clock.

*Afternoon Session, January 24th, 1839*—Mr McClannahan of S. from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, viz :—an act to give a specific name to a literary institution, near Marion in the county of Perry : an act to authorize the sheriff of Blount county to serve process issued by Justices of the Peace for



said county : an act for the relief of William Smith of Madison county : an act to prevent surprise and injury to defendants in execution : an act to amend an act entitled an act to incorporate the city of *Montgomery*, approved December 23d, 1837. Also, joint resolutions—in relation to the boundary line between the State of Alabama and the State of Georgia : all of which originated in the Senate.

Mr Hilliard from the committee on enrolled bills reported that they had examined and found correctly enrolled, bills having the following titles :—an act to amend the laws relating to absconding slaves : an act to change the time of holding the county court of the county of Butler : an act to change the time of holding the commissioners court of roads and revenue for the county of Bibb : an act to authorize the court of commissioners of roads and revenue in the county of Benton to levy a special tax and for other purposes : an act to repeal so much of an act approved December 23d 1837, as authorizes and requires the governor to appoint three commissioners to examine the State Bank and its Branches : an act to provide for the payment of the interest on the State Bonds by the State Bank and the several Branches ; an act to establish a board of commissioners for the improvement of the navigation of the Choctaw Hatchy river and for other purposes : an act to repeal an act increasing the pay of jurors, so far as regards the county of Henry, approved December 21st, 1837 : an act to divorce Emeline Redgell from her husband John W. Redgell : an act to establish a State Prison and Penitentiary : an act to divorce Elizabeth Green from her husband John W. Green : an act to divorce Sarah Green from her husband Wm. Green : an act to divorce Elizabeth Dance from her husband Henry B. Dance : an act to divorce Lucretia Tate from her husband Griffith Tate : joint resolutions proposing to take the sense of the people of this State on the subject of calling a convention.

A message was received from His Excellency the Governor, by Mr Gooch, his private Secretary, Mr Speaker, His Excellency the Governor this day approved and signed joint resolutions of the Senate and House of Representatives of the State of Alabama, in relation to the currency, which resolutions originated in the House of Representatives.

Mr Moore of Madison, from the select committee to which was referred the petition of sundry citizens of Madison county, praying an act of incorporation to turnpike a road, from Green Bottom Inn, to the Tennessee line, reported a bill to incorporate the Meridianville and Hazle Green Turnpike Company, which was read the first time and ordered to a second reading.

Mr Crawford from the select committee to which was referred the petition of sundry citizens of Monroe county praying for the passage of a law as would provide for taking the sense of the people of said county, in regard to moving the seat of justice from Monroeville to the town of Claibourne, beg leave to report that they are but forty-eight signers to said petition, the committee having no evidence that such change is desired by the citizens generally, deem it inexpedient to legislate on the subject, in which report the House concurred.

Mr Rogan from the select committee to which was referred the petition of sundry citizens of St. Clair county, praying that Silas Crump be permitted to construct a mill-dam across a certain creek therein named, reported that it is not necessary to legislate thereon, and asked to be discharged from the further consideration of the same, in which report the house concurred.

Mr Moore of Marengo, from the select committee to which was referred the petition of sundry students of Transylvania University, praying the establish.

ment of a *Medical School* in this State, reported that they referred the petition to the President and Faculty of the University of Alabama, and have received a communication from them, which accompanies this report, and though the committee feel friendly to the objects desired by the petitioners, and would hail with pride the establishment of a *Medical Department* of our University, yet they believe that the present time is unpropitious for such an attempt, and that such an effort now, would be unsuccessful. The committee, therefore, beg to be discharged from the further consideration of the subject; in which report the house concurred.

The bills from the Senate, to compensate the commissioners of revenue and roads in the county of Covington and for other purposes: to appoint commissioners to investigate the conduct of the late jailor of Mobile county and for other purposes: to compensate Little & Hopkins: for the relief of Margaret McCullum: supplemental to an act to amend an act entitled an act to incorporate the city of Montgomery: to repeal in part an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its Branches, and legalizing the suspension of specie payments of the same and for other purposes, approved 30th June, 1837: To allow certain persons therein named to charge toll for building a bridge across Lubub creek in the county of Pickens: and engrossed joint resolutions, were severally read the first time and ordered to a second reading.

The bill to be entitled an act fixing the salaries of the Secretary of State, the State Treasurer, Comptroller of Public Accounts and Adjutant and Inspector General, as amended by the Senate, was read and the amendment concurred in: ordered that the Clerk acquaint the Senate therewith.

The house resumed the consideration of the engrossed bill entitled an act for the encouragement of education: the motion of Mr Warren, to postpone the further consideration of the bill indefinitely, being under consideration, Mr Clifton of C, moved the previous question, which was sustained: the main question 'shall the bill pass?' was decided in the negative. Yeas 32, nays 51.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Abercrombie Baldwin Baker Bates Burke Crawford Crenshaw Ellis Esselman Godbold Hall Hampton Hilliard Lindsey Lipscomb McAlister McAlpin of G. McAlpin of m. Mills Moore of mad. Moore of mar. Payne Phillips Priest Searcy Shields Shortridge Tarver Walker Weissinger Williams of T. and Young.

Those who voted in the negative are, messrs. Address Blassingame Booth Boston Carmack Clifton of c. Clifton of D. Cook of L. Crayton Creagh Douglass Earle Finley Garner Godbold Hammond Hancock Harrison Henderson Hogg Hollis Holly Jones of B. Jones of C. Kennedy Martin Mason McClanahan of m. McClanahan of S. McConnell McKnight Mcmillan Morris Morrow Moore of W. Murphy Peters Philpot Rogan Simmons Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Warren Williams of J. Wilson Withers Wright and Wynn.

The bills from the Senate entitled an act to authorise and establish a third battalion in the 73d regiment of Alabama militia: an act to compensate certain persons therein named: an act to authorise the sheriff of Marion county, to perform certain duties therein named: an act to authorise the Mobile College to confer degrees and to exempt the property thereof from taxation: an act to incorporate the Marble Spring Academy, in the county of Talladega: an act to incorporate the town of Lowndesborough, in the county of Lowndes: an act to allow additional compensation for taking the census of this State, and an act to incorporate the Franklin Academy, in the town of Suggsville, were severally read the third time and passed. Ordered that the Clerk acquaint the Senate therewith.

Engrossed bills of the following titles, to wit: an act to appoint an additional surveyor in the county of Jackson: an act to incorporate a Male Academy in the town of Livingston.

an act to change the name of a certain person therein named, and for other purposes: an act to alter and amend the charter of the city of Mobile; an act to incorporate the Dadeville Female Academy: an act for the relief of Sarah Sallis: an act to repeal in part and amend the law on the subject of public roads, so far as relates to the county of St. Clair: an act to incorporate the town of Warrenton: an act to incorporate the Bellefonte Academy in the county of Jackson: an act to authorise James Herndon to Peddle in the county of Marshall; an act to incorporate the Union Hotel company: an act to change the time of holding the county courts in the county of Macon: an act to authorise the sale of slaves in the town of Demopolis: an act to authorise John Brandon and his associates to turnpike a certain road therein named: an act to amend the patrol laws: an act to incorporate Mount Moriah Academy: an act to amend judicial proceedings at common law, in regard to suits against copartners: an act to incorporate the Gerard Manufacturing Company: an act for the support of paupers in the county of DeKalb: and an act to alter and amend the 7th section of an act entitled an act to amend and consolidate the laws on the subject of public roads, approved on the 23d of December 1836, so far as regards the county of Covington, were severally read the third time and passed. Ordered that their titles be as above and that the same be sent to the Senate for its concurrence.

The engrossed bills entitled an act to divorce Mary H. Rutledge from her husband William P. Rutledge, and an act to divorce Thomas B. Bullard from his wife Nancy Bullard, were severally read the third time and passed by the constitutional majority. Ordered that their titles be as above and that the same be sent to the Senate for its concurrence.

The engrossed bill entitled an act to change the time of convening the General Assembly, was read the third time. Mr Godbold moved to postpone the further consideration of the bill till the first day of February next, which was lost, the bill then passed. Ordered that the title be above, and that the same be sent to the Senate for its concurrence.

The engrossed bill entitled an act to sell the real estate of Matthew B. Rice, deceased, was read the third time, and the question having been taken on its passage, it was decided in the negative: yeas 0, nays 68.

The yeas and nays being demanded, those who voted in the affirmative are, messrs are 0.

Those who voted in the negative are messrs. Speaker Abercrombie Andress Baldwin Bates Bolling Booth Boston Burke Carmack Clifton of C. Cook of L. Crawford Creagh Crenshaw Douglass Ellis Finley Garner Godbold Hammond Hancock Harrison Henderson Hiliard Hogg Jones of c. Kennedy Lindsey Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of m. McClannahan of m. McClannahan of s. McConnell McKnight McMillion Mills Mitchell Morris Morrow Moore of mad. Murphy Payne Peters Phillips Porter Priest Rogan Searcy Simmons Smith of D. Smith of m. Sommers Taylor of F. Walker Warren Weissinger Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.

The bill entitled an act for the relief of Parker & White was read the third time. Mr Hall moved to postpone the further consideration of the bill till the first day of February next, which was carried.

The engrossed bill entitled an act for the payment of a certain claim therein named, was read the third time and rejected.

The engrossed bill entitled an act for the payment of certain claims growing out of the late Indian hostilities, was read the third time. Mr Baker moved to amend the bill by way of engrossed ryder an additional section. Mr Shields moved to suspend the matter under consideration for the purpose of taking from the table a resolution, which was carried. Mr Shields then moved to take from the table the resolution heretofore offered by Mr Hall proposing to go into sundry elections, which was carried. Mr McClannahan of M. moved to strike out

the words 'to-morrow and Friday' where they occur, with a view to insert 'Thursday and Friday next.' Mr Hall moved to strike out all after the word 'resolved' and insert the following, 'that with the concurrence of the Senate, the two Houses will assemble in the Hall of the House on to-morrow evening, the 24th inst. at 7 o'clock, to elect a President and six Directors for the Branch Bank at Mobile; and on Saturday evening next, at 7 o'clock, to elect a President and six Directors for the Branch Bank at Montgomery; a division of the question was called for, and was first taken on striking out and carried. Mr Moore of mad. moved to amend the amendment by striking out '7' for the purpose of inserting 'half past 3 o'clock, which was lost. Mr Booth moved that the House adjourn till to-morrow at half past 9 o'clock, which was lost. Mr Booth moved to strike out 'to-morrow and Saturday' where they occur, for the purpose of inserting, in lieu thereof, 'Thursday the 31st inst. and Friday of February,' which was lost. Mr Porter moved to amend the amendment as follows, 'and to-morrow at 12 o'clock m. to elect a President and six Directors of the Bank of the State of Alabama.' Mr Martin moved to strike out from the amendment 'to-morrow at 12 o'clock m.' with a view to insert 'Monday next, at 7 o'clock p. m.' which was lost. The question then recurred on the adoption of the amendment to the amendment, and was carried. The amendment as amended was adopted, and the resolution as amended was adopted. Ordered that the Clerk acquaint the Senate therewith and ask its concurrence, and then the House adjourned till to-morrow at half past 9 o'clock.

*Friday, January 25th, 1839.*—A message was received from the Senate by Mr Childress, their assistant secretary. Mr Speaker, the Senate has passed bills which originated in the House of Representatives, of the following titles: An act to locate the seat of justice of the county of DeKalb, and for other purposes; an act to incorporate the town of Clinton, in the county of Greene; an act for the relief of John Coleman and others; an act for the relief of the purchasers of the 16th section of township four, range five, west, in the county of Limestone, all of which they have amended as therein shewn; also an act to authorise Henry C. Dunn to make title to a certain tract of land.

Accounts were presented by Mr Baker, which were read and referred to the committee on accounts.

Mr McClanahan of S. from the committee on enrolled bills, reported as correctly enrolled an act to establish the Swift creek manufacturing company, in the county of Autauga; also a joint preamble and resolutions of the General Assembly of the State of Alabama, responsive to certain joint resolutions of the Commonwealth of Kentucky, touching the currency and the administration of the General Government, which originated in the Senate.

Mr Mason from the committee on enrolled bills reported as correctly enrolled an act to incorporate the town of Aberfoil in the county of Macon; also an enrolled joint memorial, requesting Congress to cede to the State of Alabama, the muscle shoals canal, which originated in the Senate.

Mr Finley from the select committee, to which was referred the petition of sundry citizens of the counties of Jackson, Marshall, DeKalb and Cherokee, asking the General Assembly of this State, to memorialize the Congress of the United States, upon the propriety and justice of so amending the act of Congress passed 22d of June, 1838, by granting pre-emption rights to the actual settlers upon the public lands, so as to allow the settlers upon the Cherokee lands in this State, the privilege of entering any land they have had in cultivation at the time of the passage of said act instead of being compelled to enter the particular

tract upon which they resided, reported that a joint memorial to the Congress of the United States, has been adopted by the present General Assembly embracing their wishes fully upon that subject, and therefore they ask to be discharged from the further consideration of the same, which was granted by the House.

Mr Simmons, from the select committee to which was referred the petition of a number of the citizens of the county of Pike, praying to be attached to the county of Barbour, reported a bill to attach a part of the county of Pike to the county of Barbour, which was read and ordered to a second reading.

Mr Henderson introduced a bill to be entitled an act concerning the corporation of the town of Moulton in the county of Lawrence, which was read and ordered to a second reading.

The bills entitled an act for the relief of the purchasers of the 16th section of township four, range five, west, in the county of Limestone; an act to locate the seat of Justice in the county of DeKalb, and for other purposes; and an act for the relief of John Coleman and others, as amended by the Senate, were severally read, and the amendments of the Senate concurred in. Ordered that the clerk acquaint the Senate therewith.

A message was received from the Senate by mr Childress, their assistant Secretary. mr Speaker, the Senate has passed bills which originated in the Senate, of the following titles: An act to incorporate the Wetumpka manufacturing company; an act to provide for the payment of a certain company of troops therein named; an act to incorporate the town of Fayetteville, in the county of Talladega; an act concerning auctioneers; an act for the building of a Poor house and the support of paupers in the county of Pickens; an act to amend and enlarge an act entitled an act to incorporate the town of Larkinsville, in Jackson county, and the town of Irwinton, now in Barbour county, so far as relates to the town of Irwinton, in which they ask the concurrence of the House of representatives.

The bill entitled an act to incorporate the town of Clinton, in the county of Greene, as amended by the Senate, was read, and the amendment concurred in. Ordered that the clerk acquaint the Senate therewith

Bills from the Senate of the following titles, to wit; An act to amend and enlarge an act entitled an act to incorporate the town of Larkinsville, in Jackson county, and the town of Irwinton, now in Barbour county, so far as relates to the town of Irwinton; an act for the building of a poor house, and for the support of paupers in the county of Pickens; an act concerning auctioneers; an act to incorporate the town of Fayetteville, in the county of Talladega; an act to provide for the payment of a certain company of troops therein named; and an act to incorporate the Wetumpka manufacturing company, were severally read and ordered to a second reading.

Mr Moore, of Madison, from the judiciary committee, to which was referred a bill to be entitled an act to incorporate the Muscle Shoals Bridge Company, reported that it would be inexpedient to legislate on the subject. mr Baker moved that the report lie on the table, which was carried.

Mr Morris, from the select committee to which was referred a bill to be entitled an act to incorporate a rail road company from the town of Greensborough to the town of Marion, in Perry county, reported the same with amendments as therein shewn, in which the House concurred; and the bill as amended, ordered to be engrossed.

Mr Smith, from the select committee to which was referred a bill to be entitled an act to revive, alter and amend an act to incorporate the Demopolis and Woodville rail road company, reported a substitute, which was adopted. mr

Moore of mar. moved to amend the bill by adding after 'William Armstead' in the first section, Samuel Strudwick,' which was carried. Mr Morris moved to amend. Mr Shields moved to refer the bill to a select committee, which was carried; whereupon messrs Shields, Moore of mar. Young and Morris, were appointed said committee.

Mr Booth, who voted with the majority, moved a reconsideration of the vote taken yesterday on the rejection of the bill entitled an act for the encouragement of education. Mr Booth moved to postpone the further consideration of the motion until to morrow, which was lost. Yeas 35, Nays 53.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Baldwin Baker Bates Bolling Burke Crawford Crayton Crenshaw Godbold Hall Hampton Hilliard Kennedy Lipscomb Martin McAlister McAlpin of G. McAlpin of M. Morrow Moore of mad. Moore of mar. Payne Peters Phillips Searcy Shields Shortridge Smith of M. Sommers Tarver Walker Weissinger Withers and Young.

Those who voted in the negative are messrs Abercrombie Andress Blassingame Booth Boston Carmack Clifton of C. Clifton of D. Cook of L. Creagh Douglass Earle Ellis Esselman Finley Garner Golding Hammond Hancock Harrison Henderson High Hogg Hollis Holly Jones of B. Jones of C. Lindsay Mason McClanahan of M. McClanahan of S. McConnell McKnight McMillon Meade Mills Mitchell Morris Moore of W. Murphey Neily Philpot Porter Rogan Simmons Smith of D. Taylor of F. Warren Williams of J. Williams of T. Wilson Wright and Wynn.

The question then recurred on the motion to reconsider, and was decided in the affirmative. Yeas 30, Nays 53.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Abercrombie Baker Bates Bolling Booth Burke Crawford Crenshaw Godbold Hall Hampton Hilliard Martin McAlister McAlpin of G. McAlpin of M. Mills Payne Phillips Porter Searcy Shields Shortridge Tarver Walker Weissinger and Young.

Those who voted in the negative are messrs Baldwin Blassingame Boston Carmack Clifton of C. Clifton of D. Cook of L. Crayton Creagh Douglass Earle Ellis Esselman Finley Garner Golding Hammond Hancock Harrison Henderson High Hogg Hollis Holly Jones of B. Jones of C. Kennedy Mason McClanahan of M. McConnell McMillon Meade Morris Morrow Moore of W. Murphy Neily Peters Philpot Rogan Simmons Smith of D. Smith of M. Sommers Taylor of F. Warren Williams of J. Williams of T. Wilson Withers Wright and Wynn.

So the House refused to reconsider.

Mr Moore of mad. who voted with the majority on disagreeing to the amendment made by the Senate to the bill entitled an act to apportion the representatives to the different counties, and lay off the Senatorial according to the late census, moved to reconsider the vote taken thereon.

Mr McClung (Mr Phillips in the Chair) offered the following resolution: *Resolved*, That the Senate be respectfully requested to return to this House the apportionment bill sent to them prematurely this morning, which was adopted. Yeas 45, Nays 40.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Baker Booth Boston Cook of L. Douglass Earle Godbold Hall Hammond Hampton Hancock Harrison Henderson Hogg Kennedy Lipscomb Mason McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McConnell McKnight McMillon Meade Morris Morrow Moore of mad. Moore of mar. Neily Payne Peters Phillips Philpot Rogan Shields Shortridge Smith of M. Sommers Taylor of M. Weissinger Williams of J. Wilson Withers and Young.

Those who voted in the negative are Messrs. Abercrombie Andress Bates Blassingame Bolling Burke Carmack Clifton of C. Clifton of D. Crawford Crayton Creagh Crenshaw Esselman Garner Golding High Hilliard Hollis Holly Jones of B. Jones of C. Jones of P. Martin McAlister Meade Morris Morrow Moore of W. Murphy Porter Priest Simmons Tarver Taylor of F. Walker Warren Williams of T. Wright and Wynn.

Ordered that the clerk acquaint the Senate therewith. The bill having been returned by Mr Childress, the assistant Secretary of the Senate. The House proceeded to consider the motion to reconsider, and the question having been taken thereon, it was decided in the negative. Yeas 38, Nays 50.

The yeas and nays being demanded, those who voted in the affirmative are messrs Baker Boston Cook of L. Earle Godbold Hall Hammond Hampton Hancock Harrison Henderson Hogg Kennedy Lindsey Lipscomb Mason McAlpin of M. McClanahan of M. McConnell McKnight McMillon Meade Mitchell Morris Moore of mad. Payne Peters Philpot Rogan Shields Shortridge Smith of D. Simmons Taylor of F. Taylor of M. Wilson Withers and Wright.

Those who voted in the negative are messrs Speaker Abercrombie Andress Baldwin Bates Blassingame Bolling Booth Burke Carmack Clifton of C. Clifton of D. Crawford Crayton Creagh Cren-

shaw Douglass Ellis Esselman Garner Golding High Hilliard Hollis Holly Jones of B. Jones of C. Jones of P. Martin McAlister McAlpin of G. Morrow Moore of W. Murphy Neely Phillips Porter Priest Searcy Simmons Smith of M. Tarver Walker Warren Weissinger Williams of J. Williams of T. Wynn and Young.

So the House refused to reconsider the vote. Ordered that the bill be forthwith sent to the Senate.

A message was received from the Senate by Mr Childress, their assistant Secretary. Mr Speaker: The Senate concur in the resolution of the House of Representatives, to go into the election on this day at 12 o'clock, of a President and six Directors, for the Bank of the State of Alabama, and at 7 o'clock, p. m. of a President and six Directors for the Branch Bank at Montgomery, on to-morrow (Saturday 25th inst.) at 7 o'clock, p. m.

The hour of 12 o'clock having arrived, ordered that the Senate be now invited into the Hall of the House for the purpose of electing a President and six Directors for the Bank of the State of Alabama.

The Senate then repaired to the Hall of the House of Representatives, and was seated.

The two Houses then proceeded to the election of a President of the Bank of the State of Alabama—Hardin Perkins and John Marrast being in nomination.

Those who voted for Mr Perkins, are messrs Dent Devereaux Fleming Hudson King Lea Lloyd McClellan McVay Ross Rice Riddle Rogers Simmons Ward and Watrous of the Senate. Of the House messrs. Speaker Abercrombie Andress Baldwin Blassingame Burke Clifton of D. Crawford Crayton Crenshaw Earle Ellis Esselman Garner Hampton Hilliard Hogg Hollis Jones of P. Kennedy Lindsey McAlpin of G. McClanahan of M. McClanahan of S. McConnel Meade Mills Mitchell Moore of M. Moore of M. Moore of W. Murphy Neely Phillips Philpot Porter Priest Rutherford Simmons Tarver Weissinger Williams of T. Wright and Young.—51.

Those who voted for Mr Marrast, are messrs Baylor Cottrell Frazier Hill Mays Terry Toulmin Wellborn and Wilson of the Senate. Of the House, messrs Bates Bolling Booth Boston Carnack Clifton of C. Cook of L. Creagh Douglass Finley Godbold Golding Hall Hammond Hancock Harrison Henderson Holly Jones of B. Jones of C. Lipscomb Martin Mason McAllister McAlpin of M. McKnight McMillion Morris Morrow Payne Rogan Searcy Shields Shortridge Smith of D. Smith of M. Sommers Taylor of F. Taylor of M. Vining Walker Warren Williams of J. Wilson Withers and Wynn.—56.

Mr Perkins having received a majority of the whole number of votes given, Mr Speaker declared him duly elected president of the Bank of the State of Alabama.

The two Houses then proceeded to the election of six directors of the Bank of the State of Alabama—R. Caruthers, William Clare, L. Clarke, Major Cook, Thomas B. Childress J. H. Dearing, C. M. Foster, S. G. Frierson, J. Guild, J. Hogan, R. Jemison, J. Lacy, C. Lewin, John Owen, Thomas A. Smith, Joel White, and J. C. Wilson, being in nomination.

Those who voted for Mr Caruthers are messrs Cottrell Dent Devereaux Fleming Frazier Hudson Lea McClellan Mays Rice Riddle Rogers Smith and Terry of the Senate; messrs Andress Baker Cook of L. Creagh Ellis Esselman Finley Garner Golding Hall Hammond Hancock Harrison High Hogg Holly Mason McMillion Mills Morris Moore of M. Moore of M. R. Murphy Priest Rogan Rutherford Smith of D. Smith of M. Sommers Taylor of M. Vining Warren Williams of J. Wilson and Withers of the House of Representatives.—59.

Those who voted for Mr Clare are messrs Baylor Fleming Rogers Terry Toulmin and Wellborn of the Senate; messrs Bolling Booth Clifton of D. Crawford Esselman Garner Godbold Hall Hancock Harrison Hollis Holly Jones of B. Jones of C. Martin McAlister McAlpin of M. McConnel McKnight Mills Payne Phillips Philpot Porter Shields Tarver Williams of J. and Wright, of the House of Representatives.—31.

Those who voted for Mr Clarke are, messrs. Baylor Farrar Fleming Hill McVay Rice Smith and Watrous of the Senate; messrs. Speaker Boston Carnack Clifton of C. Douglass Golding Martin McClanahan of S. Morris Morrow Peters Searcy Shields Shortridge Smith of D. Smith of M. and Taylor of F. of the House of Representatives.—26.

Those who voted for Mr Cook are messrs Frazier Hill King Lea Lloyd Ross Rogers Terry Ward and Wilson of the Senate; messrs Abercrombie Baker Blassingame Bolling Boston Burke Carnack Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Ellis Esselman Garner Godbold Hall Hampton Hancock Harrison Holly Jones of C. Jones of P. Kennedy Lipscomb Martin McClanahan of M. McClanahan of S. McKnight McMillion Morrow Moore of W. Murphy Neely Payne Phillips Philpot Searcy Shortridge Simmons Smith of D. Sommers Taylor of F. Taylor of M. Walker Warren Weissinger Wilson Wright and Wynn, of the House of Representatives.—63.

Those who voted for Mr Childress, are messrs. Cottrell Farrar Frazier McVay Rogers Terry Toul-



min Watrous and Wilson of the Senate; messrs. Bolling Boston Crenshaw Godbold Hall High Hollis Jones of B. Mason McAlister McAlpin of m. McKnight Mills Payne Shields Taylor of F. Williams of J. and Wright of the House of Representatives.—29.

Those who voted for mr Dearing are messrs. Baylor Farrar Toulmin Wellborn and Wilson of the Senate; messrs. Baker Boston Carmack Cook of L. Crayton Douglass Godbold Golding Henderson Jones of c. Lipscomb Martin McAllister McAlpin of m. McClanahan of m. Morrow Murphey Payne Rogan Searcy Shields Shortridge Taylor of F. Withers and Wynn of the House of Representatives.—30.

Those who voted for mr Foster are mr Riddle of the Senate; messrs Crayton Ellis Kennedy Mitchell Neily and Peters of the House of Representatives—7.

Those who voted for mr Frierson are messrs Baylor Devereaux Farrar Frazier Lloyd McVay Rogers Smith Terry Toulmin Ward Wellborn and Wilson of the senate; messrs. Bolling Booth Boston Carmack Clifton of c. Douglass Finley Godbold Golding Hall Hammond Hancock Harrison High Holly Jones of c. Lipscomb Mason McAllister McAlpin of m. McConnel McKnight Mcmillion Mills Morris Morrow Moore of mad. Murphey Payne Philpot Rogan Searcy Shields Shortridge Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Warren Williams of J. Wilson Withers and Wynn of the House of Representatives—60.

Those who voted for mr Guild, are messrs President Cottrell Hill Mays Ross and Smith of the Senate; messrs Speaker Abercrombie Baldwin Bates Blassingame Carmack Crawford Creagh Crenshaw Douglass Garner Harrison Henderson High Hilliard Hogg Lipscomb Mason McAlpin of G. McAlpin of m. McClanahan of s. McKnight Meade Mitchell Morris Morrow Moore of mad. Murphy Peters Porter Priest Rutherford Searcy Shortridge Smith of m. Tarver Taylor of m. Vining Walker Williams of T. Withers Wynn and Young of the House of Representatives—49.

Those who voted for mr Hogan, are messrs President Baylor Cottrell Dent Hill Hudson King Lloyd McClellan McVay Mays Rice Riddle Simmons Ward and Watrous of the Senate; messrs Speaker Abercrombie Andress Baldwin Baker Bates Booth Burke Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Earle Finley Garner Hammond Hampton Henderson Hilliard Jones of P. Kennedy McAllister McAlpin of G. McClanahan of m. McClanahan of s. McConnell McKnight Meade Mills Mitchell Morris Moore of mad. Moore of w. Neily Peters Phillips Philpot Porter Priest Shortridge Sommers Tarver Taylor of m. Vining Walker Weissinger Williams of t. and Young of the House of Representatives—66.

Those who voted for mr Jemison are messrs President Cottrell Dent Devereaux Hudson King Lea McClellan Mays Ross Rice Simmons Smith Watrous and Wellborn of the Senate; messrs Speaker Abercrombie Andress Baldwin Bates Blassingame Bolling Booth Burke Clifton of D. Crawford Crayton Creagh Earle Ellis Esselman Hilliard Hogg Hollis Jones of B. Jones of P. Kennedy McAlpin of G. meade mitchell moore of mad. moore of mar., moore of w. Neily Phillips Porter Simmons Tarver Walker Weissinger Williams of T. and Young of the House of Representatives—52.

Those who voted for mr Lacy are messrs President Dent Devereaux Farrar Hill Hudson King Lea Lloyd McClellan Ross Riddle Ward and Watrous of the Senate; messrs Andress Baker Bates Blassingame Burke Clifton of c. Crayton Earle Esselman Finley Golding Hammond Hampton Hogg Jones of P. mason McAlpin of G. McClanahan of s. McConnel memillion meade mitchell morris moore of mar. moore of w. Neily Peters Porter Priest Rogan Rutherford Simmons Smith of D. Sommers Vining Warren Weissinger Williams of T. Wilson and Young of the House of Representatives—54.

Those who voted for mr Lewin, are messrs Dent Devereaux Frazier Hudson Lloyd McClellan McVay Ross Rice Rogers Simmons Toulmin and Ward of the Senate; messrs Abercrombie Andress Blassingame Earle Hammond Hampton Henderson Hogg Hollis Holly Jones of c. Kennedy Lipscomb mason McClanahan of m. McKnight meade mitchell moore of mar. Phillips Priest Sommers Warren Weissinger Williams of t. Wright and Wynn of the House of Representatives—40.

Those who voted for mr Owen, are messrs King Lea McClellan McVay, Ross Rice Riddle Simmons Smith and Watrous of the Senate; messrs Speaker Abercrombie Baldwin Baker Bates Blassingame Bolling Burke Clifton of c. Clifton of D. Cook of L. Earle Ellis Esselman Finley Hampton Hancock High Hilliard Jones of B. Jones of P. Kennedy McAlpin of G. McClanahan of s. mcmillion meade moore of mad. moore of mar moore of w. Neily Peters Phillips Philpot Rogan Rutherford Smith of m. Tarver Vining Walker Weissinger Williams of J. Williams of t. Wilson Withers Wright and Young of the House of Representatives—56.

Those who voted for mr Smith are messrs King and Wellborn of the Senate; mr Hilliard of the House of Representatives—3.

Those who voted for mr White are messrs President Dent Devereaux Fleming mays Riddle and Simmons of the Senate; messrs Speaker Andress Baldwin Bates Burke Clifton of D. Cook of L. Crawford Creagh Crenshaw Garner Hampton Henderson Hilliard Hollis Holly Jones of B. Jones of P. McAlpin of G. moore of mar. moore of w. Payne Porter Priest Rogan Tarver Walker Withers and Young of the House of Representatives—36.

Those who voted for mr Wilson are messrs President Baylor Cottrell Farrar Fleming Frazier Hill Hudson Lea Lloyd Mays Simmons Terry Toulmin Ward Wellborn and Wilson of the Senate; messrs Baldwin Booth Boston Carmack Clifton of c. Crenshaw Douglass Earle Ellis Finley Godbold Golding Hall Hammond Hancock Harrison Henderson High Hogg Hollis Jones of B. Jones of c. Lipscomb Martin McAllister McAlpin of m. McClanahan of m. McConnell McMillion Mills Morrow Murphy Philpot Rutherford Searcy Shields Shortridge Simmons Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Warren Williams of J. Wilson and Wynn of the house of Representatives—65.

Messrs Cook, Frierson, Hogan, and Wilson having received a majority of the whole number of votes given, mr Speaker declared them duly elected directors of the Bank of the State of Alabama; neither of the others having received a majority of the whole number of votes given, the two houses proceeded to vote a second time for two directors. The names of messrs White, Smith, Childress, Foster, Clare, Clarke, Dearing, and Jamison having been withdrawn.

Those who voted for mr Caruthers are messrs Cottrell Dent Fleming Frazier McClellan Mays Rice Rogers Simmons Smith Terry and Wilson of the Senate; messrs Baker Booth Boston Carmack Clifton of c. Cook of L. Crawford Creagh Esselman Garner Godbold Golding Hall Hammond Hancock Harrison Hogg Holly Kennedy Martin Mason McAllister McAlpin of m. McConnell McKnight Mills Morris Morrow Moore of mad Murphy Payne Phillips Porter Rogan Searcy Shields Shortridge Smith of D. Smith of m. Taylor of m. Vining Warren Williams of J. Wilson Withers Wright and Wynn of the house of representatives—59.

Those who voted for mr Guild are messrs President Fleming Hill McVay Mays Smith and Terry of the senate; messrs Abercrombie Baldwin Booth Boston Carmack Crawford Creagh Crenshaw Garner Godbold Golding Hall Hancock Harrison Henderson Hilliard Jones of c. Lipscomb Martin Mason McAllister McAlpin of m. McClanahan of s. Mills Morrow Peters Rutherford Searcy Shields Shortridge Smith of m. Tarver Taylor of F. Taylor of m. Vining Warren Williams of J. Williams of T. Wilson Withers and Wynn of the house of Representatives—43.

Those who voted for mr Lacy are messrs President Baylor Cottrell Dent Devereaux Farrar Hill Hudson King Lea Lloyd Ross Riddle Ward and Watrous of the Senate; messrs Speaker Address Baldwin Bates Blassingame Bolling Burke Clifton of c. Clifton of D. Crayton Douglass Earle Ellis Esselman Hammond Hampton Hogg Hollis Jones of B. Jones of P. Kennedy McClanahan of m. McClanahan of s. McConnell McMillion Mitchell Morris Moore of mar Moore of w. Murphy Peters Philpot Porter Priest Rogan Rutherford Simmons Smith of D. Sommers Weissinger and Young of the house of Representatives—56.

Those who voted for mr Lewin, are messrs. Devereaux Hudson Lloyd McVay Rogers Toulmin and Ward, of the Senate—messrs. Address Douglass Henderson Hollis Holly Jones of C. McAlpin of G. McClanahan of M. Neely Priest and Taylor of F. of the House of Representatives.—18

Those who voted for mr Owen, are messrs. Frazier King Lea McClellan Ross Rice Riddle Simmons Watrous and Wellborn of the Senate—messrs. Speaker Abercrombie Baker Bates Blassingame Bolling Burke Clifton of D. Cook of L. Crayton Crenshaw Earle Ellis Hampton Hilliard Jones of B. Jones of P. Lipscomb, McAlpin of G. McKnight McMillion Mitchell Moore of mad. Moore of mar. Moore of W. Neely Payne Phillips Philpot Simmons Sommers Tarver Weissinger Williams of T. Wright and Young of the House of Representative.—46.

Mr Caruthers having received a majority of the whole number of votes given, mr Speaker declared him duly elected a Director of the Bank of the State of Alabama. Neither of the others having received a majority of the whole number of votes given, the two Houses proceeded to vote the third time—the name of mr Lewin being withdrawn.

Those who voted for mr Guild, are messrs. President Flemming Hill McVay Mays Smith Terry Toulmin Wellborn and Wilson of the Senate.—messrs Abercrombie Booth Boston Carmack Clifton of C. Crawford Creagh Crenshaw Douglass Godbold Hall Hampton Hancock Harrison Henderson High Jones of C. Lipscomb Martin Mason McAllister McAlpin of m. Mills Morrow Payne Searcy Shields Shortridge Smith of m. Taylor of F. Taylor of m. Vining Warren Williams of J. Williams of T. Wilson Withers and Wynn of the House of Representatives.—48.

Those who voted for mr Lacy, are messrs Baylor Dent Devereaux Farrar Hudson Lloyd Ross and Ward of the Senate.—messrs. Address Baldwin Crayton Earle Esselman Garner Golding Hammond Hogg Holly Kennedy McClanahan of m. McClanahan

of S. McConnell McKnight McMillion Mitchell Morris Moore of mar. Murphy Peters Priest Rogan Rutherford Simmons Smith of D. Somners and Weissinger of the House of Representatives.—36.

Those who voted for Mr Owen, are messrs. Frazier King Lea Rice Riddle Rogers Simmons and Watrous of the Senate.—messrs Speaker Baldwin Baker Bates Blassingame Bolling Burke Clifton of D. Cook of L. Ellis Hilliard Jones of P. McAlpin of G. Moore of mad. Moore of W. Neely Phillips Philpot Tarver Walker Wright and Young of the House of Representatives.—29.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to vote the fourth time.

Those who voted for Mr Guild, are messrs President Fleming Frazier Hill McVay Mays Rogers Simmons Smith Terry Toulmin Wellborn and Wilson of the Senate. messrs Speaker Abercrombie Booth Boston Carmack Clifton of C. Cook of L. Creagh Crenshaw Douglass Golding Hall Hancock Harrison Henderson High Hilliard Hollis Holly Jones of C. Lipscomb Martin Mason McAllister McAlpin of M. McKnight Mills Morrow Moore of mad. Payne Searcy Shields Shortridge Smith of M. Taylor of F. Taylor of M. Vining Williams of J. Williams of T. Wilson Withers and Wynn of the House of Representatives.—56.

Those who voted for Mr Lacy, are messrs Baylor Dent Devereaux Farrar Hudson King Lea Lloyd Ross Riddle and Ward of the Senate.—messrs Address Baldwin Bates Blassingame Bolling Burke Clifton of D. Crayton Earle Esselman Garner Hammond Hogg Kennedy McClanahan of M. McClanahan of S. McConnell McMillion Mitchell Morris Moore of mar. Moore of W. Murphy Peters Phillips Priest Rogan Rutherford Simmons Smith of D. Somners Warren and Weissinger of the House of Representatives.—44.

Those who voted for Mr Owen, are Mr Rice of the Senate.—messrs. Baker Ellis Hampton Jones of B. McAlpin of G. Neely Philpot Tarver Walker Withers and Young of the House of Representatives.—12.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to vote the fifth time, the name of Mr Owen having been withdrawn.

Those who voted for Mr Guild, are messrs. President Fleming Frazier Hill McVay Mays Rice Rogers Simmons Smith Terry Toulmin Wellborn and Wilson of the Senate. messrs. Speaker Abercrombie Booth Boston Carmack Clifton of C. Creagh Crenshaw Douglass Godbold Golding Hall Hancock Harrison Henderson High Hilliard Hollis Holly Jones of C. Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of M. McKnight Mills Morrow Moore of mad. Payne Searcy Shields Shortridge Smith of M. Taylor of F. Taylor of M. Vining Warren Williams of J. Williams of T. Wilson Withers and Wynn of the House of Representatives.—58.

Those who voted for Mr Lacy, are messrs. Baylor Dent Devereaux Farrar Hudson King Lea Lloyd Ross Riddle and Ward of the Senate.—messrs. Address Baldwin Baker Bates Blassingame Bolling Burke Clifton of D. Crayton Earle Ellis Esselman Garner Hammond Hampton Hogg Jones of P. Kennedy McClanahan of M. McClanahan of S. McConnell McMillion Mitchell Morris Moore of mar. Moore of W. Murphy Neely Peters Phillips Philpot Priest Rogan Rutherford Simmons Smith of D. Somners Tarver Walker Weissinger Wright and Young.

Mr Guild having received a majority of the whole number of votes given, Mr Speaker declared him duly elected a Director of the Bank of the State of Alabama.

The Senate then withdrew, and then the House adjourned till 7 o'clock.

*Friday night, Jan. 25.*—House met pursuant to adjournment. Ordered, that the Senate be now invited into the Hall of the House of Representatives for the purpose of going into the election of a President and six Directors for the Branch of the Bank of the State of Alabama, at Mobile. The Senate repaired to the hall of the house of Representatives, and was seated. The two Houses then proceeded to the election of a President of the Branch Bank at Mobile, John B. Norris and Patrick O'Neal, being in nomination. For Mr Norris 75—for Mr O'Neal 40—for Mr Gaines 2.

Those who voted for mr O'Neal are messrs. Dent Devereux Hudson King Lea Lloyd Rice Rogers and Ward, of the Senate. messrs. Abercrombie Baker Blassingame Burke Earle Ellis Esselman Garner Hampton Harrison Henderson Hogg Hollis Jones of B. Jones of P. Kennedy McAlpin of G. m'million Meade mitchell moore of mar. moore of w. murphy Neely Philpot Priest Searcy Walker Weissinger Wright and Young of the House of representatives—40.

Those who voted for mr Norris are messrs. President Baylor Cottrell Farrar Fleming Frazier Hill m'Clellan m'Vay mays Ross Riddle Simmons Smith Terry Toulmin Wellborn and Wilson of the Senate. messrs. Address Baldwin Bates Bolling Booth Boston Carmack Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Finley Godbold Golding Hall Hammond Hancock High Hilliard Holley Jones of C. Lindsay Lipscomb martin mason m'Allister m'Alpin of m. m'Clanahan of m. m'Connel m'Knight Mills Morris Morrow moore of mad. Payne Peters Phillips Rogan Shields Shortridge Simmons Smith of D. Smith of m. Sommers Williams of J. Wilson Withers and Young of the House of Representatives—75.

messrs. Speaker and Williams of T. voted for George S. Gaines.

mr. Norris having received a majority of the whole number of votes given, mr Speaker declared him duly elected President of the Branch of the Bank of the State of Alabama at Mobile.

The two Houses then proceeded to the election of six Directors for said Bank. B. R. Hogan, D. D. Kane, C. Robinson, J. m. Sanford, D. White, P. Walker, R. Brodnax, H. C. Holmes, Thos Harrison, C. S. Strother, William S. Scott, J. Bates, Jr S. mauldin, m. A. Lea and P. O'Neal being in nomination.

Those who voted for mr Bates are messrs. Cottrell Dent Devereaux Fleming Hudson King Lea m'Clellan mays Ross Rice Rogers Simmons Smith and Ward of the Senate. messrs. Speaker Abercrombie Address Baldwin Bates Blassingame Bolling Burke Clifton of D. Crawford Crayton Creagh Crenshaw Earle Esselman Garner Harrison Henderson Hilliard Hogg Hollis Jones of B. Jones of P. Kennedy Lindsay m'Alpin of G. McClanahan of S. McConnel Meade Mills Moore of mad. moore of mar. moore of W. Neely Phillips Priest Shortridge, Tarver Walker Weissinger Withers Wright and Young of the House of Representatives—58.

Those who voted for mr Broadnax are messrs. President Cottrell Dent Devereaux Fleming Hudson King Lea Lloyd m'Clellan McVay mays Ross Rice Riddle Rogers Simmons Ward Wellborn and Wilson, of the Senate Messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Burke Clifton of C. Clifton of D. Crawford Crayton Earle Ellis Esselman Garner Golding Henderson Hilliard Hogg Hollis Jones of B. Jones of P. Kennedy Lindsay McAlpin of G. McClanahan of S. Meade mitchell Morrow moore of mad moore of W. Murphy Neely Peters Priest Sommers Tarver Taylor of F Walker Warren Weissinger Withers Wright and Young, of the house of Representatives—66.

Those who voted for mr. Harrison, are messrs. Cottrell and Ross, of the Senate—messrs. Abercrombie Booth Cook of L. Hall moore of mad. and withers of the House of Representatives—9.

Those who voted for mr. Hogan are messrs President Baylor Fleming Frazier McVay Smith Toulmin Ward Wellbourn and Wilson of the Senate—messrs. Boston Carmack Creagh Douglass Godbold Hanceck Harrison Holly Jones of C. Lipscomb Martin Mason McKnight Murphy Phillips Shortridge Smith of D. Taylor of m. Vining Warren and Wynn, of the House of Representatives—31.

Those who voted for mr. Holmes are messrs. Farrar Lea Rice Riddle Smith and Ward of the Senate—messrs. Bolling Booth Burke Cook of L. Crawford Ellis Finley Godbold Hampton Harrison Hollis Holly Jones of C. McAllister McAlpin of m. McConnell McKnight McClellan Mills Moore of mar. Moore of W. Murphy Payne Philpot Searcy Shields Simmons Smith of D. Weissinger Williams of T. and Wilson of the House of Representatives—37.

Those who voted for mr. Lea, are messrs. Baylor Dent Devereaux Farrar Frazier King Lea m'Clellan Ross Rice Riddle Rogers Simmons Ward Wellborn and Wilson;

of the Senate—messrs. Speaker Abercrombie Baldwin Baker Blassingame Bolling Booth Burke Clifton of D. Crawford Crenshaw Earle Ellis Esselman Garner Hampton Hilliard Hogg Hollis Jones of P. Kennedy McAlpin of G. McConnell McClellan Mills Mitchell Moore of Mar. Moore of W. Neily Peters Phillips Tarver Weissinger Wright and Young, of the House of Representatives—52.

Those who voted for Mr. Mauldin, are messrs. Dent Fleming Hill Hudson King Lloyd McClellan Ross Rogers Terry and Wellborn, of the Senate—messrs. Speaker Address Baker Bates Clifton of C. Crayton Ellis Esselman Finley Garner Golding Hall Hammond Hampton High Hollis Jones of P. Lindsay Martin Mason McAlpin of C. McClanahan of M. McConnell McKnight Meade Mills Mitchell Morris Morrow Moore of Mar. Moore of Mar. Neily Payne Peters Philpot Priest Shields Smith of D. Smith of M. Sommers Taylor of M. Vining Walker Williams of J. Williams of T. Wilson and Young, of the House of Representatives—57.

Those who voted for Mr. O'Neal are messrs. Baylor Frazier Hudson Rogers Simmons and Ward, of the Senate—messrs. Speaker Baker Carmack Garner Golding Harrison Hampton Henderson Jones of B. Meade Priest Walker and Williams of T. of the House of Representatives—19.

Those who voted for Mr. Kane, are messrs. President Baylor Farrar Frazier Hill Hudson McVay Mays Simmons Smith Terry Toulmin and Wellborn, of the Senate—messrs. Blassingame Booth Boston Clifton of C. Creagh Douglass Esselman Finley Godbold Hall Hammond Hancock Henderson High Hogg Holly Jones of B. Jones of C. Lipscomb Martin Mason McAlister McAlpin of M. McClanahan of M. McConnell McKnight McMillion Morris Morrow Murphy Payne Philpot Rogan Searcy Shields Simmons Smith of D. Smith of M. Sommers Taylor of M. Vining Warren Williams of J. Williams of T. Wilson Withers and Wynn, of the House of Representatives—59.

Those who voted for Mr. Robinson, are messrs. Baylor Cottrell Hill McVay Mays Terry and Toulmin, of the Senate—messrs. Baldwin Booth Boston Carmack Cook of L. Douglass Golding Hall Hammond Hancock High Hogg Jones of C. Lipscomb Martin McAlpin of M. McClanahan of S. McClellan Morris Rogan Searcy Shields Shortridge Smith of D. Sommers Tarver Taylor of R. Vining Williams of J. Wilson Withers and Wynn, of the House of Representatives—40.

Those who voted for Mr. Sanford, are messrs. President Baylor Hill McVay Smith Toulmin and Wilson, of the Senate—messrs. Baldwin Bolling Boston Clifton of D. Crawford Creagh Douglass Finley Godbold Hancock Kennedy Lipscomb McAlpin of M. McClanahan of M. Payne Peters Rogan Searcy Smith of M. Sommers Taylor of R. and Wynn, of the House of Representatives—29.

Those who voted for Mr. Scott, are messrs. Dent Devereaux Farrar Frazier King Lea Lloyd McClellan Ross Rice Riddle Rogers and Simmons, of the Senate—messrs. Abercrombie Address Bates Blassingame Bolling Burke Clifton of C. Crenshaw Earle Ellis Esselman Golding Hammond Henderson Hilliard Holly Jones of B. Jones of P. Kennedy Lindsay Mason McAlpin of G. McClanahan of S. McConnell McMillion Meade Mitchell Morris Moore of Mar. Moore of W. Neily Payne Peters Priest Rogan Shortridge Simmons Walker Warren Williams of G. Williams of T. Wright and Young of the House of Representatives—56.

Those who voted for Mr. Strother, are messrs. President Dent Devereaux Lea McClellan and Rice of the Senate—messrs. Abercrombie Address Baldwin Baker Bates Blassingame Bolling Burke Carmack Clifton of D. Cook of L. Crawford Crayton Crenshaw Earle Ellis Garner Hall Hampton Henderson High Williard Hogg Hollis Jones of P. Lindsay McAlpin of G. McClanahan of S. Meade Mills Mitchell Morrow Moore of Mar. Moore of W. Murphy Neily Phillips Philpot Priest Simmons Smith of M. Tarver Taylor of R. Taylor of M. Walker Weissinger Wright and Young, of the House of Representatives—54.

Those who voted for Mr. Walker, are messrs. Baylor Farrar Fleming Hill Lloyd Mays Riddle Terry Toulmin and Wilson, of the Senate—Messrs. Speaker Baker Booth

Boston Carmack Clifton of c. Cook of L. Crayton Creagh Crenshaw Douglass Finley Godbold Golding *Hall* Hammond Hampton Hancock Harrison High Holly Jones of c. Lindsay Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McKnight McMillion Mills Morris Morrow Moore of mad. Murphy Payne Phillips Philpot Rogan Searcy Shields Shortridge Smith of D. Smith of m. Somners Taylor of F. Taylor of m. Vining warren williams of J. williams of T. wilson wright and wynn, of the *House of Representatives*—65.

Those who voted for Mr. White, are messrs. President Cottrell Devereaux Farrar Fleming Frazier *Hill* King Lloyd McVay Mays Riddle Smith Terry Toulmin wellborn and wilson of the Senate—messrs. Andress Boston Carmack Clifton of c. Clifton of D. Cook of L. Crayton Creagh Crenshaw Douglass Earle Finley Godbold Hammond Hancock Harrlson High Hilliard Holly Jones of B. Jones of c. Kennedy Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McClanahan of s. McKnight Mitchell Morris Morrow Moore of mad. Payne Peters Phillips Philpot Rogan Searcy Shields Shortridge Simmons Smith of m. Somners Tarver Taylor of F. Taylor of m. Vining warren Weissinger williams of J. wilson withers and wynn, of the *House of Representatives*—72.

[Messrs. Brodnax, walker and white, having received a majority of the whole number of votes given, Mr. Speaker declared them duly elected Directors of the Branch of the Bank of the State of Alabama, at Mobile. Neither of the others having received a majority of the whole number of votes given, the two Houses proceeded to vote a second time—the names of messrs. Harrison and Sanford being withdrawn.]

Those who voted for Mr. Bates, are messrs. Cottrell Dent Devereaux Fleming Hudson King McClellan mays Ross Rice Rogers Simmons and Smith. of the Senate—messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Clifton of D. Crawford Crayton Creagh Crenshaw Esselman Garner Harrison Hilliard hogg hollis Jones of B. Jones of P. Kennedy Lindsay McAlpin of c. McClanahan of s. Meade Mitchell Moore of mad. Monre of mar. Moore of w. Phillips Priest Simmons Tarver walker weissinger williams of T. withers wright and Young of the *House of Representatives*—54.

Those who voted for Mr. Hogan, are messrs. President Frazier Lloyd and wilson, of the Senate—messrs. Creagh Douglass and Wynn, of the *House of Representatives*—7.

Those who voted for Mr. Holmes, are Mr. Toulmin of the Senate—messrs. Golding and McAlister, of the *House of Representatives*—3.

Those who voted for Mr. Lea, are messrs. Baylor Dent Devereaux Farrar Frazier King Lea Ross Simmons Wellborn and Wilson, of the Senate—messrs. Speaker Abercrombie Baldwin Baker Blassingame Bolling Booth Burke Clifton of D. Cook of L. Crawford Crenshaw Earle Ellis Esselman Garner high hogg hollis Jones of B. Kennedy McAlister McAlpin of c. Meade Mills Mitchell Morris Moore of w. Neily Payne Phillips Tarver Weissinger Wright and Young, of the *House of Representatives*—46.

Those who voted for Mr. Mauldin, are messrs. Fleming Hill Hudson Lloyd McClellan, Ross Rice Rogers Terry Wellborn and Wilson, of the Senate—messrs. Speaker Andress Baker Bates Boston Carmack Clifton of c. Douglass Finley Golding Hammond Hampton Hancock Harrison High Holly Jones of c. Jones of P. Lipscomb Martin Mason McAlpin of m. McClanahan of m. McConnell McKnight McMillion Mills Mitchell Morris Morrow Moore of mad. Moore of mar. Murphy Payne Philpot Priest Rogan Searcy Shields Smith of D. Smith of m. Somners Taylor of F. Taylor of m. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Wynn and Young, of the *House of Representatives*—64.

Those who voted for Mr. Kane, are messrs. President Baylor Cottrell Farrar Frazier Hill Mays Rogers Simmons Smith Terry Toulmin and Welborn, of the Senate—messrs. Blassingame Booth Boston Clifton of c. Creagh Douglass Finley Godbold Golding Hammond Hancock Harrison Henderson High Holly Jones of B. Jones of c. Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McConnell McKnight



McMillion Morrow Moore of mad. Murphy Payne Peters Philpot Rogan Searcy Shields Shortridge Simmons Smith of D. Smith of m. Somners Taylor of T. Taylor of m. Vining Walker Warren Williams of J. Williams of T. Wilson Withers and Wynn, of the House of Representatives—64.

Those who voted for Mr Robinson are messrs. Cottrell Fleming Hill McVay Mays Terry and Toulmin, of the Senate. messrs Boston Carmack Clifton of C. Earle Ellis Godbold Hammond Hampton Henderson Hilliard Jones of P. Kennedy Lindsay McClanahan of S. McConnell McMillion Meade Moore of mar. Neily Peters Priest Rogan Shortridge Tarver Vining Warren Williams of J. and Wright, of the House of Representatives—26.

Those who voted for Mr Scott are messrs Farrar Hudson King Lea Lloyd McClellan McVay and Rice, of the Senate—messrs Abercrombie Burke Clifton of C. Earle Ellis Godbold Hammond Hampton Henderson Hilliard Jones of P. Kennedy Lindsay McClanahan of S. McConnell McMillion Meade Moore of mar. Neily Peters Priest Rogan Shortridge Tarver Vining Warren Williams of J. and Wright, of the House of Representatives—36.

Those who voted for Mr Strother are messrs President Dent Devereaux and Lea, of the Senate—messrs Carmack Clifton of D. Cook of L. Crawford Crayton Crenshaw Earle Ellis Esselman Garner Hall Hampton Henderson Hilliard Hogg Hollis Lindsay Martin McAlpin of G. McClanahan of m. McClanahan of S. Morrow Moore of W. Murphy Neily Peters Phillips Philpot Priest Shields Shortridge Simmons Smith of m. Taylor of F. and Wilson, of the House of Representatives—45.

Messrs Mauldin and Kane having received a majority of the whole number of votes given, Mr Speaker declared them duly elected Directors of the Branch of the Bank of the State of Alabama at Mobile. Neither of the others having received a majority of the whole number of votes given. The two Houses proceeded to vote the third time for one Director of said Branch Bank. The names of messrs Hogan, Holmes, Scott and Bates, having been withdrawn.

Those who voted for Mr Lea are messrs Farrar Frazier King Lea Ross Wellborn and Wilson, of the Senate—messrs Speaker Abercrombie Baldwin Baker Bates Blassingame Bolling Crawford Earle Esselman Garner Hilliard Hogg Jones of B. Jones of P. Kennedy Lindsay McAlister McAlpin of G. McClanahan of S. McConnell Meade mills mitchell Neiley Tarver Walker Weissinger Williams of T. Wright and Young, of the House of Representatives—38.

Those who voted for Mr Robinson are messrs Baylor Lloyd McVay Mays Simmons Smith Terry and Toulmin, of the Senate—messrs. Boston Carmack Clifton of C. Cook of L. Creagh Douglass Finley Godbold Golding Hall Hammond Hancock Harrison Holly Jones of C. Lipscomb Martin Mason McAlpin of m. McClanahan of m. McKnight McMillion Morris Morrow Moore of mad. Murphey Payne Philpot Rogan Searcy Shields Shortridge Smith of D. Smith of m. Somners Taylor of F. Taylor of m. Vining Warren Williams of J. Wilson Withers and Wynn, of the House of Representatives—51.

Those who voted for Mr Strother are messrs President Dent Devereaux and Rogers, of the Senate—messrs Andress Burke Crayton Ellis Hampton Henderson High Moore of mar. Moore of W. Peters Phillips Priest and Simmons, of the House of Representatives—16.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to vote the fourth time. The name of Mr Strother having been withdrawn.

Those who voted for Mr Lea are messrs President Dent Hudson King Lea Ross Rogers Wellborn and Wilson, of the Senate—messrs Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Burke Clifton of D. Crawford Crayton Earle Ellis Esselman Garner Hampton Hilliard Hogg Hollis Jones of B. Jones of P. Kennedy Lindsey McAlpin of G. McClanahan of S. McConnell mills Mitchell Moore of mar. Moore of W. Neily Payne Peters Phillips Priest Simmons Tarver Walker Weissenger Williams of T. Wright and Young, of the House of Representatives—52.

Those who voted for Mr Robinson are messrs Baylor Fleming Lloyd McVay Mays Simmons Smith Terry and Toulmin, of the Senate—messrs Boston Carmack Clifton of C. Cook of L. Creagh Douglass Finley Godbold Golding Hall Hammond Hancock Harrison Holly Jones of C. Lipscomb Martin Mason McAlpin of m. McClanahan of m. McKnight McMillion Morris Morrow Moore of mad. Murphy Philpot Rogan Searcy Shields Shortridge Smith of D. Smith of m. Somners Taylor of F. Taylor of m. Vining Warren Williams of J. Wilson Withers and Wynn, of the House of Representatives—51.

Mr Lea having received a majority of the whole number of votes given, Mr Speaker declared him duly elected a Director of the Branch of the Bank of the State of Alabama at Mobile.

The Senate then withdrew, and the House adjourned till to-morrow, at half past 9 o'clock.

*Saturday, Jan. 26.*—Mr Morris, from the committee on Indian affairs, to which was referred the claim of D. S. Ball, for a horse lost in the military ser-



vice, reported that it is inexpedient to allow the same, in which report the house concurred.

Mr Weissinger, from the committee on accounts, to which was referred the account of William Pearson, constable of Tuscaloosa county, reported that it is inexpedient to allow the same, in which report the house concurred.

Mr Weissinger, from the same committee to which was referred the account of Smith & Prince, James Rather, Solomon Perteet, James B. Clarke, James rutherford, Edward Lea, Augustus Lynch, Alfred roberts, J. M. hendrick, S. A. Dennenson, C. C. baldwin, M. D. Slade, James G. blount, John G. Creagh, richard W. barber, and J. N. Savage, reported a bill for the payment of certain claims against the State, which was read a first time and ordered to a second reading.

Mr Moore of mad. from the committee on the State bank, to which was referred a preamble and resolutions, proposing amendments to the charter of our banks, so as to reduce the number of Directors to six, reported that there are bills before the house embracing all the objects contained in said resolutions, which supercedes any action of the committee on them, and they ask to be discharged from the further consideration of the subject, in which report the house concurred.

Mr Moore of mad. from the committee on the State bank, to which was referred the petition of sundry citizens of Sumter county, praying the establishment of a branch of the Bank of the State of Alabama at Gainesville, reported that it would be inexpedient to establish a Branch Bank at the present session. mr Payne moved to lay the report on the table, which was carried.

Mr Moore of mad. from the same committee to which was referred a resolution instructing them to inquire into the expediency of requiring our Banks to confine their issues to a specie basis, also, into the expediency of dividing the State into banking districts, and creating a Bank Marshall of each banking district, and that they be requested to report on the same by bill or otherwise, reported that it is inexpedient to legislate on the subject. mr Morris moved to lay the report on the table, which was carried.

Mr Moore of mad. from the same committee to which was referred a resolution to inquire into the expediency of removing one half of the capital stock of the Branch Bank of the State of Alabama at Mobile, to Claiborne, Prairie bluff, or some other suitable point on the Alabama river, above Mobile, reported that it is inexpedient to legislate on the subject. mr booth moved to lay the report on the table, which was carried.

Mr Moore of mad. from the same committee to which was referred a bill to be entitled an act to provide for the extension of certain debts therein named, reported that it would be inexpedient to pass said bill, in which report the house concurred.

Mr Moore of mad. from the same committee to which was referred a resolution instructing them to inquire into the expediency of reducing the rate of interest to six per cent. on the extended debt, and seven per cent. loan, reported that it would be inexpedient to make the change contemplated by said resolutions, and ask to be discharged from the further consideration of the subject, in which report the house concurred.

Mr Moore of mad. from the same committee to which was referred the petition of sundry citizens of Madison county, praying to reduce the number of Directors to six, and pay them a per diem allowance for their services, and to prohibit them from borrowing money from the said banks, directly or indirectly,

while acting as President and Directors, reported that there are bills before the house embracing the objects contemplated in said petition, and they ask to be discharged from the further consideration of the subject, in which report the House concurred.

Mr Morris, from the committee on indian affairs, to which was referred several certificates tending to prove that William Harper was authorized to act as quarter master, for the troops raised for the protection of the citizens of Dale county, reported that they have heretofore reported a bill having for its object compensating said Harper, in which report the House concurred.

Mr Morris, from the same committee to which was referred the petition of T. Royston, H. L. Smith and J. L. Burnet, in relation to their claims against the State, reported the same back to the House and ask leave to be discharged from its further consideration. Mr Smith of D. moved to lay the report on the table. Mr Clifton of C. moved to recommit the report and petition, which was carried.

Mr Cook of L. offered the following resolution: *Resolved*, (with the concurrence of the Senate) That the two Houses of the general assembly, will adjourn *sine die* on Saturday the second of February next. Mr Clifton of C. moved to lay the resolution on the table, which was carried. Yeas 42, Nays 41.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker Baldwin Bates Booth Boston Burke Carmack Clifton of C. Clifton of D. Creagh Crenshaw Douglass Ellis Esselman Godbold Golding Harrison Jones of C. Kennedy Lipscomb Martin McAlister McAlpin of m. McConnell McKnight McMillion Morris Morrow Moore of mad. Moore of mar. Moore of W. Peters Phillips Philpot Rogan Searcy Smith of D. Sommers Taylor of F. Walker Weissinger and Withers.

Those who voted in the negative are, messrs. Abercrombie Andress Baker Bolling Cook of L. Crawford Crayton Earle Finley Hall Hammond Hancock Henderson High Hilliard Hogg Hollis Holly Jones of B. Lindsey Mason McAlpin of G. McClanahan of m. McClanahan of S. Meade Mitchell Murphy Payne Priest Shortridge Simmons Smith of m. Tarver Taylor of m. Warren Williams of J. Williams of T. Wright Wynn and Young.

Mr Hilliard, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, an act to organize and establish separate courts of chancery.

Mr Mason from the committee on enrolled bills, reported that they had examined and found correctly enrolled an act for the improvement of Elk river; an act to establish a board of commissioners for the improvement of the navigation of the Paint Rock river, and for other purposes thereunto connected, both of which originated in the House of Representatives.

Mr Warren introduced the following resolution: *Resolved*, that all bills making appropriation for claims against the State to be taken up and acted on, any rule to the contrary notwithstanding, which lies over one day for consideration.

Mr Phillips offered the following resolution: *Resolved*, that for the remainder of the session, the orders of the day shall be taken up at the hour of 10 o'clock, in the forenoon, which lies over one day for consideration.

The hour of 11 o'clock having arrived, the House proceeded to the orders of the day. The House resumed the consideration of the bill to be entitled an act to compensate the President and Directors of the Bank of the State of Alabama and its several branches, which was read the second time. Mr Earle moved to strike out the words 'fifteen hundred' with a view to insert 'one thousand.' Mr Moore of mad. moved to commit the bill to the committee on the State Bank, which was lost. The question recurring, Mr Earle's motion was decided in the affirmative. Yeas 46, nays 35.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker Andress Boston Carmack Clifton of c. Crayton Creagh Douglass Earle Finley Garner Golding Hammond Hancock Harrison High Hollis Jones of C. Kennedy Mason McKnight McMillion Meade Mills Mitchell Morris Morrow Moore of mad. Murphy Peters Phillips Rogan Searcy Simmons Smith of D. Smith of m. Taylor of F. Taylor of M. Walker Warren Williams of J. Wilson and Wynn.

Those who voted in the negative, are messrs. Abercrombie Baldwin Baker Bates Bolling Burke Clifton of D. Cook of L. Crawford Crenshaw Ellis Esselman Godbold Hall Hilliard Hogg Holly Jones of B. Lindsey Lipscomb Martin McAlister McAlpin of G. McAlpin of m. McConnell Moore of mar. Moore of W. Priest Shortridge Tarver Weissinger Williams of T. Withers Wright and Young.

Mr Lipscomb moved to amend by an additional section. Mr Hall moved to strike out 'three' with a view to insert 'four,' which was carried, the amendment was then adopted. Mr Harrison moved to amend by striking out all after the proviso, with a view to insert the following 'provided that the amount to be paid to the Directors of the Bank of the State of Alabama and the Branches at Montgomery, Huntsville and Decatur, shall not exceed one hundred and fifty dollars, nor the Directors of the Branch at Mobile, shall not exceed three hundred dollars during any three months within the time for which they are elected. Mr Henderson moved the previous question, which was sustained, so the House decided that the main question be now put: the main question 'shall the bill be engrossed for a 3d reading to-morrow?' was decided in the affirmative.

The House then resumed the consideration of the engrossed bill for the payment of certain claims growing out of the late Indian hostilities. The question recurring on the motion made by Mr Baker to amend by way of engrossed rider was adopted. Mr Creagh moved to strike out 'Thomas Warren's' claim. Mr Warren moved that the bill be referred to a select committee, composed of the delegation from Dale, Barbour and Clarke counties, which was carried.

The engrossed bill to be entitled an act to incorporate the Academy of the ladies education society in the town of Selma, was read the third time and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for its concurrence.

The engrossed bill to be entitled an act to repeal in part and amend an act entitled an act to amend the laws in force in relation to retailers of spiritous liquors, approved, 23d December, 1837, was read the third time, Mr Carmack moved to amend by way of engrossed rider, to come in the sixth line of the third section, after the word 'liquors' as follows, 'or who shall by any other means in any other manner evade or violate the provisions of the above recited act,' which was adopted. Mr McAlpin of m. moved to amend by way of engrossed proviso as follows, 'provided that nothing in this act shall be so construed as to apply to the county of 'Mobile.' Mr Martin moved after the word 'Mobile' to insert the word 'Benton.' Mr Bolling moved, after the word 'Benton,' to insert 'Conecuh.' Mr Golding moved, after the word 'Conecuh,' to insert 'Marshall.' Mr Earle moved, after the word 'Marshall,' to insert 'Jefferson.' Mr McConnell moved the previous question, which was sustained; so the House decided that the main question be now put. The main question 'shall the bill pass?' was decided in the affirmative. Yeas 52, nays 27.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker Abercrombie Andress Baldwin Baker Bates Booth Burke Carmack Clifton of c. Clifton of D. Cook of L. Crawford Creagh Douglass Ellis Garner Hall Hampton Henderson High Hilliard Hogg Holly Jones of P. Kennedy Lipscomb McAlpin of G. McClanahan of m. McConnel Mills Moore of mad. Moore of W. Payne Peters Phillips Priest Rogan Searcy Shortridge Smith of D. Somners Tarver Taylor of F. Walker Weissinger Williams of J. Williams of T. Withers Wynn and Young.

Those who voted in the negative are, messrs. Bolling Boston Crayton Crenshaw Earle Finley Godbold Golding Hammond Hancock Harrison Hollis Jones of C. Martin Mason McAllister McAlpin of m. McClannahan of S. McKnight McMillion Meade Murphy Philpot Simmons Smith of m. Warren Wilson and Wright.

The engrossed bill to be entitled an act to increase the responsibilities of certain persons therein named, was read the third time. Mr Williams of T. moved to lay the bill on the table, which was carried.

The engrossed bill to be entitled an act to legalize the proceedings of the com-

missioners appointed by an act to locate the seat of justice of Cherokee county and for other purposes passed at the called session of the General Assembly of the State of Alabama, in the year one thousand eight hundred and thirty-seven, and approved June 24th 1837, was read the third time and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for its concurrence.

The bill to be entitled an act to establish separate courts of chancery, was read the second time and laid on the table. The bill for the relief of settlers on public lands within the State of Alabama, was read the second time and referred to a select committee, consisting of messrs Martin, Smith of D. and McConnell.

The bill to regulate the licensing of Attorneys and Counsellors at law was read the second time and laid on the table. The bill for the protection of mechanics was read the second time and referred to a select committee, consisting of messrs Lipscomb and Porter: the bill for the payment of Capt. J. Pates company of mounted men and for other purposes, was read the third time and ordered to be engrossed for a third reading.

The bill in relation to sixteenth sections, was read the second time and referred to the judiciary committee.

The bill to equalize the funds in township three, range nine, west in the Huntsville land district, was read the second time. Mr Hampton moved to lay the bill on the table, which was carried.

The bill to incorporate Franklin Academy, in the county of DeKalb, was read the second time and ordered to be engrossed for a third reading.

The bill to abolish Attorneys fees in certain cases, was read the second time and referred to the committee on divorce and alimony, with instructions to report thereon as soon as practicable. Mr Earle who voted with the majority, moved a reconsideration of the vote on referring the bill, which was carried. Mr Bolling moved to refer the bill to the committee on propositions and grievances. Mr Moore of Mad. moved to postpone the bill until the first day of February next, which was lost. Yeas 8, nays 67.

The yeas and nays being demanded, those who voted in the affirmative are messrs Speaker Bolling Booth Clifton of D. Hilliard Kennedy Moore of Mad.

Those who voted in the negative are messrs. Abercrombie Andress Baldwin Baker Bates Blassingame Boston Burke Carmack Clifton of c. Cook of L. Crawford Creagh Crenshaw Douglass Earle Ellis Finley Garner Golding Hall Hammond Hancock Harrison Henderson High Hogg Hollis Holly Jones of B. Jones of C. Jones of P. Lindsey Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of S. McMillion meade Mills McKnight Morris Moore of mar. Moore of W. Murphy Peters Phillips Philpot Priest Searcy Shortridge Simmons Smith m. Taylor of F. Taylor of m. Warren Weissinger Williams of J. Williams of T. Wilson Withers Wright and Wynn.

The question then recurred on the motion of Mr Bolling to refer and was lost. Mr Earle moved the previous question, which was sustained, so the House decided that the main question be now put. The main question shall the bill be engrossed for a third reading on Monday next? was decided in the affirmative.

The bill to incorporate the Aberfoil Male and Female Academy, was read the second time and laid on the table.

The engrossed bill entitled an act to authorize David Shelton, David Larkin and their associates to turnpike a road therein named, was read the third time and passed. Ordered that the title be as above, and that the same be sent to the Senate for its concurrence.

Bills of the following titles to wit: an act for the support of paupers in the county of Wilcox; an act to authorize John C. Whitsett to erect a toll bridge across the Noxubee river; an act to enable William B. and George J. Hardwick

to do certain things therein named: an act to incorporate the Selma rangers: an act to incorporate Mountpelier Academy, in Lowndes county, were severally read the second time and ordered to be engrossed for a third reading.

The bill to regulate the pay of the members of the board of trustees of the University of the State of Alabama, was read the second time and laid upon the table: the bill to incorporate the Grants Creek Academy, in the county of Tuscaloosa, was read the second time, and the constitutional rule requiring bills to be read on three several days dispensed with, the bill was considered as engrossed and read the third time and passed. Ordered that the title be as above and that the same be sent to the Senate for its concurrence.

The bill to abolish the common law jurisdiction in the county courts, was read the second time. Mr Douglass moved to lay the bill on the table, which was carried. Ordered that leave of absence be granted to Mr Neily, until Friday next.

The bill to be entitled an act to revive and continue in force the charter of the Moulton rail road company, was read the second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed and read the third time and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for its concurrence.

The bill to amend an act to incorporate the Selma and Tennessee rail road company, approved 22d December 1836, was read the second time. Mr Hall moved to postpone the further consideration of the same until the 3d day of February next. And then the House adjourned until half past three o'clock.

*Afternoon Session, January 26th, 1839.*—Mr Abercrombie moved to suspend the orders of the day for the purpose of introducing a bill, which was carried. Mr Abercrombie introduced a bill to authorize the judge of the county court and commissioners of roads and revenue of Russell county, to levy a tax for county purposes; which was read the first time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read the second time and ordered to be engrossed for a third reading on Monday next.

The House then resumed the consideration of the bill to amend an act to incorporate the Selma and Tennessee rail road company, approved 22d December, 1836, the question being on the motion of Mr Hall to postpone until the third day of February next, was decided in the negative. The bill was then referred to a select committee consisting of messrs Phillips, Clifton of D. and Morris.

The bill supplementary to an act approved on the 30th day of June, 1837, was read the second time and laid on the table.

The bill to remove the Branch of the Bank of the State of Alabama at Decatur to Florence, was read the second time. Mr Douglass moved that it be referred to a select committee consisting of one member from each judicial circuit, which was carried—whereupon messrs Douglass, Lindsey, Rogan, Ellis, Hogg, Porter, Lipscomb, Crenshaw, and Hilliard, were appointed said committee.

Bills of the following titles, to wit: An act for the relief of Phillip H. Lacy: an act to continue in force an act entitled an act to establish a turnpike road from the house of John Gandy, in Morgan county, to Baltimore or Morgan springs, in Blount county, passed December 23d, 1832; an act to incorporate the Baptist church, at La Fayette, in the county of Chambers; an act to authorize David Caulfield to establish a public ferry at the Cedar Bluff, in the county of Jackson; an act for the payment of a certain claim therein named; an act

to amend the law upon the subject of probate deeds; and, an act to change the name of William Lacock to William Warren, were severally read the second time and ordered to be engrossed for a third reading.

The bill entitled an act for the relief of sureties in certain cases, was read the second time and referred to the committee on the judiciary.

The engrossed bill to be entitled an act to incorporate a rail road company from Greensborough to the town of Marion, in Perry county, being under consideration, mr Weissinger moved to amend by way of engrossed ryder; which was carried. mr Bolling moved to amend by way of engrossed ryder a proviso, which was carried; the bill as amended was then read the third time and passed. Ordered, that the title be as above and that the same be sent to the Senate for its concurrence.

The bill for the relief of the sufferers by reason of the depredations of the hostile Creek Indians, was read a second time—mr Hall moved to amend the first section of the bill by adding after the word 'sufferers' the following, 'or any other person who may have been burnt out or suffered losses of any other character in this State;' which was lost. The bill was then ordered to be engrossed for a third reading. Yeas 66, nays 10

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker Abercrombie Andress Baldwin Baker Bolling Booth Boston Burke Carmack Clifton of c. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Esellman Finley Garner Golding Hampton Harrison Henderson High Hilliard Holly Jones of B. Jones of c. Jones of P. Lindsey Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of m. McClannahan of m. McClannahan of s. McConnell McKnight Memillion Mitchell Morris Moore of mad. Moore of mar. Moore of w. Peters Phillips Philpot Priest Rogan Smith of D. Smith of m. Sommers Tarver Taylor of F. Warren Weissinger Williams of J. Williams of T. Wilson Wright and Wynn.

Those who voted in the negative are messrs. Hall Hammond Hogg Kennedy Murphy Payne Searcy Shortridge Simmons Taylor of m. and Withers.

The bill to amend the 1st section of the 7th chapter of the military code, approved 23d December, 1836, and for other purposes, was read the second time. mr Clifton of D. moved to amend the caption by striking out the figure '6' in the caption and inserting the figure '7.' The bill was then ordered to be engrossed for a third reading.

The bill from the Senate entitled an act concerning the Mobile and Cedar Point Rail Road company, was read the second time and ordered to a third reading.

The bill from the Senate to incorporate the town of Mardisville, in the county of Talladega, was read the second time. mr McConnell moved to amend by striking out 'February' and insert in lieu thereof the word 'March'; which was carried, and the bill ordered to a third reading.

The bill for the better management of the State bank and its branches, was read the second time. mr Lipscomb moved to strike out 'president and directors' where it occurs and insert 'cashier;' which was carried. mr Lipscomb moved further to amend by an additional section, which was carried. The bill as amended was then ordered to be engrossed for a third reading.

The bill amendatory of the law in relation to escheats, was read the second time and referred to the committee on the judiciary.

The bill to increase the pay of jurors in the county of Jackson, was read the second time. mr McAlpin of m. moved to amend first section of the bill by inserting after the word 'law' the following, 'and in the county of Mobile, two dollars and fifty cents per day;' which was carried. The bill as amended was then ordered to be engrossed for a third reading.

Mr McConnel, from the select committee, to which was referred a bill to be

entitled an act to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Coosa river and for other purposes, reported the same back to the House without amendment, and recommended its passage. The bill was then ordered to be engrossed for a third reading.

Mr Clifton of D. from the committee on enrolled bills, reported as correctly enrolled bills of the following titles: An act to incorporate the town of Clinton, in the county of Greene: an act fixing the salaries of the Secretary of State, the State Treasurer, Comptroller of Public Accounts, and Adjutant and Inspector General; and an act to locate the seat of justice in the county of DeKalb and for other purposes; the bill to provide for receiving and appropriating the two per cent. fund, was read the second time. Mr Morris moved to lay the bill on the table. And then the House adjourned till 7 o'clock, P. M.

*Saturday, Night, January 26th, 1839.*—The House met pursuant to adjournment. Ordered, that the Senate be now invited into the hall of the house of Representatives, for the purpose of going into the election of a president and six directors for the Branch of the Bank of the State of Alabama at Montgomery. The Senate repaired to the hall of the House of Representatives and was seated. The two houses proceeded to the election of a president of said Bank; John Martin alone being in nomination.

Those who voted for Mr Martin are messrs. President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Lloyd McClellan McVay Mays Ross Rice Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate; messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blasingame Bolling Booth Boston Burke Carmack Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Garner Godbold Golding Hall Hammond Hampton Hancock Harrison Henderson Hill Hilliard Hogg Holly Jones of B. Jones of C. Jones of P. Kennedy Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of S. McConnell McKnight Memillion Meade Mills Mitchell Morris Morrow Moore of mad. Moore of mar. Moore of w. Murphy Payne Peters Philpot Priest Rogan Searcy Shortridge Simmons Tarver Taylor of F. Taylor of m. Vining Walker Warren Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.

Mr Martin having received the whole number of votes given, Mr Speaker declared him duly elected president of the Branch of the Bank of the State of Alabama at Montgomery.

The two houses then proceeded to the election of six directors for the Branch of the Bank of the State of Alabama at Montgomery—W. Allen, S. Amies, B. W. Bell, T. Brevard, Wm. J. Campbell, R. E. Cox, Wm. J. Couch, B. Hall, A. H. Lewis, C. S. Lucas, F. Mann, Wm. McGill, S. A. McMeans, G. M. Newman, J. W. Pierce, being in nomination.

Those who voted for Mr Allen are messrs. Fleming Hill Hudson McVay Mays Rogers Smith Terry and Toulmin of the Senate—messrs. Boston Carmack Clifton of C. Cook of L. Douglass Hammond Jones of C. McAllister McClanahan of m. McKnight Memillion Mitchell Murphy Shortridge Simmons Smith of D. Taylor of m. Vining Warren and Wynn of the House of Representatives—29.

Those who voted for Mr Amies, are messrs. King Lloyd Ross Rice Riddle Simmons and Watrous of the Senate—messrs. Abercrombie Baldwin Bates Clifton of D. Crayton Creagh Harrison Hilliard McAlpin of G. McClanahan of S. McKnight McMillan Mills Mitchell Moore of w. Payne Peters Priest Rogan Shortridge Vining and Young, of the House of Representatives—34.

Those who voted for Mr Bell, are messrs. President Dent Devereaux Fleming Hudson Lea McClellan Mays Ross Rice Simmons and Watrous, of the Senate—messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blasingame Bolling Burke Clifton of D. Crawford Crayton Creagh Crenshaw Ellis Esselman Garner Hampton Harrison Henderson Hilliard Hogg Jones of B. Jones of C. Jones of P. Kennedy Lindsey McAlpin of G. McClanahan of S. McConnell Meade Mitchell Morrow Moore of mar. Moore of W. Peters Phillips Philpot Priest Rogan Simmons Smith of D. Tarver Walker Warren Wessinger Williams of T. Withers Wright and Young, of the House of Representatives—63.

Those who voted for Mr Brevard, are messrs. President Baylor Cottrell Dent Farrar Fleming Frazier Hill Hudson King Lloyd McClellan McVay Mays Rice Riddle Simmons Smith Terry Toulmin Ward Wellborn and Wilson of the Senate—messrs. Speaker Baldwin Bates Blasingame Bolling Boston Crawford Clifton of C. Clifton of D. Cook of L. Crayton Douglass Garner Golding Hall Hancock Harrison Hill Hilliard Hogg Jones of B. Jones of P. Kennedy Lindsey Lipscomb Martin of G. McAlpin



of m. McClannahan of m. McMillian Mitchell Morris Moore of mad. Moore of W. Payne Phillips Rogan Searcy Simmons Smith of m. Sommers Tarver Taylor of m. Vining Williams of T. Wilson Withers Wynn and Young, of the House of Representatives—72.

Those who voted for mr Campbell are messrs Baylor Dent Devereaux Frazier Hill King Lloyd McClellan Ross Rogers Simmons Smith Ward Watrous & Wilson, of the Senate. messrs Andrew Barker Creagh Garner Golding Hall Hammond Hancock Henderson Hogg Holly Jones of C. Lipscomb Martin Mason McAlpin of m. McClannahan of S. Meade Morris Murphy Peters Priest Simmons Smith of D. Smith of m. Sommers Taylor of F. Williams of J. Wilson Withers and Wynn, of the House of Representatives—46.

Those who voted for mr Couch, are messrs Dent Farrar McVay Riddle Rogers Ward Watrous Wellborn and Wilson, of the Senate. messrs Blessingame Booth Burke Crawford Douglass Earle Ellis Esselman Garner Godbold Golding Henderson High Holly Lindsay Martin Mason McAllister McClannahan of m. McConnell McKnight Mills Morris Morrow Murphy Payne Rogan Searcy Simmons Taylor of F. Walker Warren Williams of T. and Wright, of the House of Representatives—43.

Those who voted for mr Cox, are messrs Dent Devereaux Farrar Hill King Lloyd Rice Toulmin and Watrous, of the Senate. messrs Booth Carmack Crenshaw Godbold Hancock Holly Lipscomb Martin McAlpin of m. McKnight Meade Morris Morrow Peters Philpot Shortridge Taylor of F. and Wynn, of the House of Representatives—37.

Those who voted for mr Hall, are messrs Cottrell Devereaux Fleming Hudson Lea McClellan Ross and Simmons, of the Senate. messrs Speaker Abercrombie Andrew Baldwin Baker Bates Bolling Booth Boston Burke Clifton of C. Cook of L. Crawford Crayton Creagh Crenshaw Earle Ellis Esselman Garner Golding Hall Hammond Hampton Henderson Hilliard Hogg Jones of P. Lindsay Lipscomb Martin McAllister McAlpin of G. McClannahan of m. McConnell Meade Moore of mad. Moore of mar. Moore of W. Murphy Peters Phillips Philpot Smith of m. Tarver Taylor of m. Walker Weissinger Williams of J. Williams of T. Withers Wright and Young, of the House of Representatives—41.

Those who voted for mr Lewis, are messrs President Baylor Hill King Mays Rogers Smith Terry Watrous and Wellborn, of the Senate. messrs Baker Booth Boston Clifton of C. Clifton of D. Crayton Douglass Earle Ellis Godbold Hall Hammond Hancock Harrison High Holly Jones of B. Jones of P. Lindsay Martin Mason McAllister McAlpin of m. McClannahan of m. McConnell McKnight McMillian Mills Morris Morrow Moore of mad. Payne Peters Phillips Philpot Searcy Shortridge Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Warren Weissinger Williams of J. Williams of T. Wilson and Wynn, of the House of Representatives—50.

Those who voted for mr Lucas, are messrs President Baylor Cottrell Devereaux Farrar Fleming Frazier Hudson King Lea McClellan McVay Mays Ross Riddle Rogers Terry Toulmin Ward Wellborn and Wilson of the Senate. messrs Speaker Abercrombie Andrew Baldwin Bates Blessingame Clifton of C. Crawford Esselman Godbold Hampton Hilliard Kennedy Lindsay McConnell Meade Mills Meade of mad. Moore of mar. Moore of W. Payne Phillips Priest Shortridge Tarver Weissinger Williams of J. and Young, of the House of Representatives—49.

Those who voted for mr Mann, are messrs Cottrell Devereaux Lea McClellan Ross Rice and Riddle, of the Senate. messrs Speaker Abercrombie Baker Blessingame Bolling Booth Carmack Cook of L. Crawford Creagh Crenshaw Earle Ellis Esselman Garner Hampton Henderson High Hogg Jones of B. Jones of C. Moore of mar. Philpot Searcy Tarver Walker Weissinger Williams of J. Wright and Young, of the House of Representatives—37.

Those who voted for mr McGill, are messrs Frazier Hudson Lea Simmons Smith Terry Toulmin Ward Wellborn and Wilson, of the Senate. messrs Andrew Baker Blessingame Bolton Boston Burke Carmack Clifton of C. Creagh Douglass Earle Ellis Golding Hall Hammond Hampton Hancock Harrison Henderson High Hogg Holly Jones of B. Jones of P. Kennedy Lipscomb Martin Mason McAllister McAlpin of m. McClannahan of m. McConnell McMillian Meade Mills Morrow Moore of mad. Moore of m. Moore of W. Murphy Phillips Philpot Priest Rogan Searcy Simmons Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Walker Warren Williams of J. Williams of T. Wilson Wright and Withers, of the House of Representatives—68.

Those who voted for mr McMeans, are messrs Baylor Cottrell Farrar Frazier and Lloyd, of the Senate. messrs Bolling Booth Cook of L. Crenshaw Godbold Jones of B. Mason and Wilson, of the House of Representatives—13.

Those who voted for mr Newman, are messrs President Dent Farrar Fleming Frazier Hill Lea McVay Mays Rogers Smith Terry Toulmin Ward Wellborn and Wilson, of the Senate. messrs Barker Carmack Clifton of C. Douglass Godbold Golding Hall Hammond Hancock Harrison Holly Jones of C. Jones of P. Kennedy Lipscomb Martin Mason McAllister McAlpin of G. McClannahan of m. McClannahan of S. McMillian McKnight Mitchell Morris Morrow Murphy Payne Rogan Searcy Shortridge Simmons Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Warren Wilson Withers Wright and Wynn, of the House of Representatives—69.

Those who voted for mr Pierce, are messrs Cottrell Rice and Riddle, of the Senate. messrs Speaker Abercrombie Andrew Baldwin Baker Bates Burke Clifton of D. Cook of L. Crawford Crayton Crenshaw Earle Esselman Hampton High Hilliard Jones of B. Kennedy McAlpin of G. McClannahan of S. Mills Mitchell Moore of mad. Moore of mar. Priest Tarver Walker and Weissinger of the House of Representatives—32.

Messrs. Bell, Brevard, Hall, Lewis, McGill, and Newman having received a majority of all the votes given, mr. Speaker declared them duly elected Directors of the Branch of the Bank of the State of Alabama, at Montgomery : the Senate then withdrew.

And then the House adjourned until Monday morning half past 9 o'clock.

*Monday, January 28th 1839.*—Mr McClannahan of S., presented the account of ——— which was read and referred to the committee on accounts.

Mr Carmack moved to take from the table, the report of the committee on propositions and grievances on the temperance petitions, which was lost.

Mr McClannahan of S., from the committee on enrolled bills reported as correctly enrolled, an act to incorporate the city of Wetumpka.

Mr McClannahan of S., introduced a bill to be entitled an act making appropriation for the payment of the members and officers of the present General Assembly, which was read the first time, and the constitutional rule requiring bills to be read on three several days, being dispensed with, the bill was read the second time : mr Cook of L., moved to lay the bill on the table, which was lost : the bill was then ordered to be engrossed and made the special order for to-morrow.

Mr Williard from the committee on enrolled bills, reported as correctly enrolled :—an act to authorize Henry C. Dunn, to make a title to a certain tract of land : an act to repeal in part an act now in force, confining the collection of debts before a justice of the Peace, in the beat where the defendant resides, or where the contract was made, and for other purposes : an act to change the names of certain persons therein named : an act for the relief of John V. Otts : an act to establish a board of Commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes.

Mr Henderson moved to take from the table a bill to be entitled an act to incorporate the Aberfoil Male and Female Academy, which was carried.

The bill to incorporate the Aberfoil Male and Female Academy, was then read the second time : and the constitutional rule requiring bills to be read on three several days, being dispensed with the bill was considered as engrossed and read the third time and passed : ordered that the title be as aforesaid, and that the same be sent to the Senate for its concurrence.

A message was received from the Senate by mr Childress their assistant Secretary : mr Speaker, the Senate have adopted the following resolution—*Resolved by the Senate*, That with the concurrence of the House of representatives, the two Houses of the General Assembly will adjourn *sine die*, on the second of February next.

The Senate have also passed a bill which originated in the House of Representatives, to be entitled an act to incorporate the Bellfonte Academy, in the county of Jackson, and an act to appoint an additional surveyor for the county of Jackson. mr Taylor of F. moved to lay the resolution communicated by the message from the Senate on the table, which was lost. Yeas 31, Nays 46.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Abercrombie Baldwin Boston Carmack Clifton of c. Clifton of D. Douglass Esselman Godbold Harrison Kennedy Lipsecomb Martin Mason McAlpin of m. McConnell Mcmillion Meade Morris Morrow Moore of mad. Moore of W. Peters Phillips Porter Rogan Simmons Tarver Taylor of F. and Weissinger.

Those who voted in the negative are, messrs. Address Baker Bates Blassingame Bolling Burke Cook of L. Crayton Creagh Earle Garner Hall Hammond Hancock Henderson Hilliard Hogg Hollis Holly Jones of B. Jones of C. Jones of P. Lindsey McAlister McAlpin of G. McClannahan of m. McClannahan of S. Mills Moore of mar. Murphy Payne Philpot Priest Shortridge Simmons Smith of D. Smith of m. Taylor of m. Vining Walker Williams of J. Williams of T. Wilson Wright Wynn and Young.

Mr Boston moved to strike out 'second,' with a view to insert 'sixth.' mr

Vining called for a division of the question. Mr McConnell moved to postpone the further consideration of the same until the first of February next, which was lost. Yeas 37, Nays 42.

The yeas and nays being demanded those who voted in the affirmative are, messrs. Speaker Abercrombie Baldwin Bolling Booth Boston Burke Carmack Clifton of c. Crenshaw Douglass Esselman Godbold Harrison Jones of c. Jones of P. Kennedy Lipscomb Martin Mason McAlpin of m. McConnell Memillion Meade Morris Morrow Moore of mad. Moore of W. Peters Phillips Porter Rogan Sommers Taylor of P. Weissinger Williams of J. and Williams of T.

Those who voted in the negative are, messrs. Andress Baker Bates Blassingame Cook of L. Crayton Creagh Earle Garner Hall Hammond Hancock Henderson Hilliard Hogg Hollis Holly Jones of B. Lindsey McAlister McAlpin of G. McClannahan of m. McClannahan of S. Mills Moore of mar. Murphy Payne Philpot Priest Shortridge Simmons Smith of D. Smith of m. Taylor of m. Vining Walker Warren Wright Wynn and Young.

The question then recurred on the motion for striking out, and was lost. The question finally recurred on concurring in the resolution, and was decided in the affirmative. Ordered that the clerk acquaint the Senate therewith.

Mr Phillips, from the select committee to which was referred a bill to be entitled an act to amend an act to incorporate the Selma and Tennessee rail road company, approved the 22d day of December, 1836, reported the same back with an amendment, in which the House concurred. The bill as amended was then read, and the amendment concurred in, and ordered to be engrossed for a third reading.

Mr McConnell introduced a joint memorial of the Senate and House of Representatives of the general assembly of the State of Alabama, to the Congress of the United States, which was read. Mr McConnell moved its reference to a select committee, consisting of messrs McConnell, Martin and Moore of mad. which was carried.

Mr Bolling introduced the following resolution: *Resolved*, That this House will hold night sessions during the present week, which lies over one day for consideration.

Mr Phillips called up the resolution offered by him on last Saturday, regulating the orders of the day: the resolution was adopted:

Mr Moore of mad. offered the following resolution: *Resolved*, That the two houses will on this evening at 7 o'clock (the Senate concurring) assemble in the hall of the House of Representatives, for the purpose of electing a President and six Directors for the branch bank of the State of Alabama at Huntsville. Mr Henderson moved to amend by adding 'also, on Tuesday evening at 7 o'clock, for the purpose of electing a President and six Directors for the branch bank at Decatur. Mr Clifton of C. moved the previous question, which was sustained. The main question, 'shall the resolution be adopted,' was decided in the affirmative. Ordered that the clerk acquaint the Senate therewith forthwith, and ask its concurrence.

Mr Hollis, from the select committee to which was referred the petition of Levi Maddox and others, reported a bill to authorize and require the sale of a certain slave of the estate of Andrew Maddox, deceased, which was read and ordered to a second reading.

Mr Warren called up the resolution offered by him on Saturday. Mr Cook of L. moved to amend as follows: 'And the bill making appropriations for the pay of the civil list and general appropriation and election precinct bill. Mr Priest moved to lay the resolution on the table, which was carried.

A message was received from the Senate by Mr Childress, their assistant Secretary. Mr Speaker, the Senate insist on their amendment to the bill entitled an act to apportion the representatives in this State, and to divide the State into

senatorial districts according to the late census, and request a committee of conference, and has appointed on their part messrs Cottrell, Mays and McClellan, in which the concurrence of the house of Representatives is desired.

Mr Martin moved that the house concur in the proposition for a committee of conference, which was carried; whereupon Messrs Martin Abercrombie and Baker were appointed a committee on the part of the house. Ordered that the clerk acquaint the Senate therewith.

Mr Moore of mar. from the select committee to which was referred a bill to alter, revive and amend an act entitled an act to incorporate the Demopolis and Woodville rail road company, reported the same back to the House with sundry amendments, in which the House concurred, and the bill as amended, ordered to be engrossed for a third reading.

Mr Lipscomb, from the select committee to which was referred a bill for the protection of mechanics, reported the same with sundry amendments, in which the House concurred, and the bill as amended ordered to be engrossed for a third reading.

A message was received from the Senate by mr Childress, assistant Secretary. mr Speaker, the Senate has passed a bill to abolish and establish certain election precincts, in which they ask the concurrence of the House of Representatives. The bill was then read, and the constitutional rule requiring bills to be read on three several days having been dispensed with, was read the second time forthwith, and referred to the committee on privileges and elections.

The House then proceeded to the orders of the day. Engrossed bill entitled an act to abolish attorneys' fees in certain cases, was read the third time. mr Booth moved to amend by way of engrossed ryder, as follows: 'Section — Be it further enacted, that from and after the passage of this act, no account for professional services, contracted with a practising lawyer, or note given for professional services, shall be recovered or recoverable in any court of law in this State. mr Priest moved the previous question, which was sustained. The main question, 'shall the bill pass?' was decided in the affirmative. Yeas 59, Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Abercrombie Address Baldwin Barks Bush game Bolting Boston Burke Carmack Clifton of C Cook of L. Crayton Creagh Crenshaw Douglass Earle Eschman Edd Hammond Hancock Harrison Henderson High Hogg Hollis Holly Jones of B. Jones of P. Kennedy Lindsey Mason McClister McAlpin of G. McAlpin of M. McClanahan of m. McC anahan of S. McConnell McKnight meade Morris Morrow Moore of mar. moore of w. Murphy Phillips Philpot Priest, Rogan Simmons Smith of D. Tarver Taylor of R. Taylor of m. Walker Warren Weissinger Williams of J. Wilson Wright and Young.

Those who voted in the negative are messrs Speaker Baker Booth Clifton of D. Finley Godbold Lipscomb moore of mar. Porter Searcy Sherridge Smith of m. Vining and Williams of T.

A message was received from his Excellency the Governor, by mr Gooch, his private Secretary. mr Speaker, his Excellency the Governor, on Saturday the 26th inst. approved and signed bills from the House of Representatives, of the following titles, to wit: An act to organize and establish separate courts of chancery; an act to change the time of holding the county court in the county of Benton; an act to provide for the payment of the interest on the State bonds by the State bank, and the several branches; an act to change the time of holding the commissioners court of roads and revenue in the county of Bibb; an act to authorize the court of commissioners of revenue and roads in the county of Benton, to levy a special tax, and for other purposes; an act to repeal so much of an act approved Dec. 23. 1837, as authorizes and requires the Governor to appoint three commissioners to examine the State bank and its branches; and on the same day, 'joint resolutions proposing to take the sense of the people of this State on the subject of calling a convention.

A message was received from the Senate by mr Childress, their assistant Secretary. mr Speaker, the Senate concur in the resolution from the house of

Representatives, to go into the election for a President and six Directors for the Branch Bank of the State of Alabama at Huntsville, this evening at 7 o'clock, and have amended the same by adding, 'also, at the same time, a President and six Directors for the branch bank at Decatur.'

The engrossed bills from the Senate entitled, an act to incorporate the town of Mardisville, in the county of Talladega; and an act concerning the Mobile and Cedar Point rail road company, were severally read the third time and passed. Ordered that the clerk acquaint the Senate therewith.

The engrossed bills entitled an act to authorize David Caulfield to establish a public ferry on the Tennessee river, in the county of Jackson; an act for the payment of a claim against the State therein named; an act to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Coosa river, and for other purposes; an act for the better management of the State Bank and its several branches; an act to enable William B. and George J. Hardwick, who are under the age of twenty-one years, to do certain things therein named, an act to authorize the Judge of the county court and commissioners of revenue and roads of Russel county, to levy a tax for county purposes; an act to amend the first section of the 7th chapter of the military code, approved 23d Dec. 1837, and for other purposes; an act to incorporate Franklin Academy, in the county of DeKalb; an act to incorporate the Baptist Church at Lafayettee, in the county of Chambers; an act for the support of paupers, in the county of Wilcox; an act to amend the law upon the subject of the probate of deeds; an act to change the name of William Lacock to William Warren; an act for the relief of Phillip H. Lacy; an act to continue in force an act entitled an act to establish a turnpike road from the house of John Gaudy, in Morgan county, to Baltimore or Morgan Springs, in Blount county, passed Dec. 23, 1832; an act to incorporate the Mount Pelier Academy in Lowndes county, an act for the payment of Captain J. Pate's company of mounted volunteers, and for other purposes; an act to authorize John C. Whitsett, to erect a toll bridge across the Noxubee river; an act to incorporate the Selma Rangers; an act to increase the pay of jurors in the county of Jackson; an act to compensate the President and Directors of the Bank of the State of Alabama and its several branches; and an act to abolish attorneys fees in certain cases, were severally read the third time and passed. Ordered that their titles be as above, and that the same be sent to the Senate for their concurrence.

The bills to be entitled, an act for the relief of Lemuel Pounds: an act to divorce Nancy Davis from her husband Hezekiah Davis: an act to divorce John Hughs from his wife Rosannah Hughs: an act to authorize the judge of the county court and commissioners of revenue and roads to levy a special tax for the building of a jail in the county of Henry: an act to incorporate the town of Stockton, in the county of Baldwin: an act to define the compensation to be allowed to the clerks and sheriffs for ex officio services performed by them in the county of Henry: an act to form an additional regiment in the county of De Kalb: an act to incorporate the town of Auburn, in the county of Macon: an act to alter and amend an act approved on the 23d December, 1837, so far as regards the county of Covington: an act to regulate in part sheriff's sales in the county of Shelby: an act for the relief of Robert Cummings and Leonidas P. Spiker: an act to authorize John A. White, George W. Crozier and their associates, to turnpike a road therein named: an act to incorporate the Livingston fire engine company: an act to regulate bail in criminal cases: an act for the relief of Golden Harper: an act to amend the charter of the Cahawba and Ma-

tion rail road company: an act to amend an act approved December 25th, 1837, to appropriate the balance of the interest arising from the canal fund, which has, or may be hereafter deposited in the Bank of this State, or either of its branches: an act to divorce *Harriet Frell* from her husband *John S. Frell*: an act to divorce *Eliza Crawford* from her husband *Stephen Crawford*: an act to divorce *John White* from his wife *Eliza White*: an act to divorce *Mary Clarke* from her husband *Elijah Clarke*: an act to divorce *Sarah Harman* from her husband *Joel Harman*: an act to divorce *Henrietta W. Montague* from her husband *Joseph H. Montague*: an act to divorce *Eliza McLaughlin* from her husband *Peter McLaughlin*: an act to divorce *Early A. Brown* from his wife *Elizabeth Brown*: an act to divorce *Hiram Elam* from his wife *Celia Elam*: an act to divorce *William Logan* from his wife *Mary Logan*: an act to change the boundary line of *Russell county*: an act to change the name of a certain person therein named: an act for the compensation of talis jurors in the county of *Monroe*: an act to incorporate the town of *Cusetah*, in the county of *Chambers*: an act to establish a certain road therein named: and, an act to amend the law in force requiring freeholders as qualified jurors in actions of ejectment, were severally read the second time and ordered to be engrossed for a third reading.

The bill to provide for receiving and appropriating the two per cent. fund was read the second time and referred to a select committee, consisting of messrs *Phillips, Moore of mad. and Baldwin*.

The engrossed bill entitled an act for the relief of the sufferers by reason of the depredations of the hostile Creek Indians, was read the third time. *mr Abercrombie* moved to fill the first blank with 'five hundred,' which was carried. *mr Abercrombie* moved to fill the second blank with 'one hundred and twenty' which was carried. *mr Abercrombie* moved the previous question, which was sustained. The main question 'Shall the bill pass?' was decided in the affirmative. Yeas 61, nays 19.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. *Speaker Abercrombie Baldwin Eaker Bates Blassingame Booth Boston Burke Carnack Clifton of c. Clifton of D. Cock of L. Crayton Creagh Crenshaw Douglass Earle Finley Hampton Hancock Harrison High Hilliard Holly Jones of B. Jones of C. Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of s. McConnel McKnight McMillion Meade Mills Morris Moore of mad. Moore of mar. Moore of w. Payne Peters Phillips Philpot Porter Rogan Smith of D. Tarver Walker Warren Weissinger Williams of J. Williams of T. Wilson Wright and Young.*

Those who voted in the negative are, messrs. *Garner Godbold Hall Hammond Hollis Kennedy Murphy Priest Searcy Shortridge Simmons Smith of m. Taylor of F. Taylor of m. Vining Withers and Wynn.*

The bill to repeal in part an act relating to county tax, was read the second time and laid on the table.

The bill to amend an act approved December 23d, 1836, concerning public roads, was read a second time. *mr Creagh* moved to postpone the further consideration of the same till the 6th day of February next; which was carried.

The bill relating to the statute of limitations and of fraud, was read the second time, and laid on the table.

The bill to prescribe the duties of the attorney general and for other purposes, was read the second time and referred to the judiciary committee.

A message was received from the Senate by *mr Childress*, their assistant secretary—*Mr Speaker*: The Senate have adopted the following resolution: *Resolved*, That, with the concurrence of the House of Representatives, the two houses will assemble in the hall of the house on Tuesday evening next, at seven o'clock, for the purpose of electing a Chancellor for the Southern division, and also a Chancellor for the Northern division, of this State: also to select a site for

the State penitentiary: also to elect three Commissioners to digest a penal code: and three commissioners to superintend the erection of the penitentiary; in which resolution the House concurred. Ordered, that the clerk acquaint the Senate therewith.

The bill to authorize the judge of the county court of Lawrence county to appoint a coroner, was read the second time, and the constitutional rule requiring bills to be read on three several days having been dispensed with, it was read the third time and passed. Ordered, that the title be as above, and that the same be sent to the Senate for concurrence.

The bill to amend the patrol laws, was read the second time. mr McClanahan of m. moved to lay the bill on the table, which was carried.

The bill to be entitled an act to incorporate the Prairie Bluff, Woodville and Greensborough rail road company, was read the second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed and read the third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for its concurrence.

The joint resolutions, &c. were read, and laid on the table.

The bill to change the mode of bringing suits on bills of exchange by the Bank of the State of Alabama and its Branches, was read the second time and referred to the committee on the State bank.

The bill for the relief of the purchasers of the sixteenth sections, of township sixteen, range ten, west, in the county of Fayette, was read the second time, and laid on the table.

A message was received from his Excellency the Governor, by mr Gooch, his private secretary—Gentlemen of the Senate and House of Representatives: I have the honor to lay before you a copy of a communication from Robert P. Desilver, of Philadelphia, accompanied by a copy of *Tactics and Regulations for Militia of the United States*, and beg leave, respectfully, to submit to the General Assembly the propriety of purchasing a suitable number of copies of said work, for the use of the Militia of this State. A. P. BAGBY.

*Hon. J. W. McClung, Speaker of the House of Representatives.*  
Which message and communication was read and referred to the committee on the military.

The bill to be entitled an act to exempt in part the citizens living in the corporate limits of the town of Bellefonte, in the county of Jackson, from working on public roads, was read the second time. mr Wilson moved to lay the bill on the table, which was carried.

The engrossed bill from the Senate entitled an act to incorporate the town of Syllacogga, in Talladega county, was read the second time and ordered to a third reading.

A bill to be entitled an act for the relief of Thomas J. Gammage, was read a second time. mr Martin moved to lay the bill on the table, which was decided in the affirmative. Yeas 36, nays 35.

The yeas and nays being demanded those who voted in the affirmative are, messrs Bates Boston Carmack Clifton of c. Douglass Finley Hall Hammond Hancock Henderson High Hogg Hollis Jones of c. Kennedy Lindsey Martin Mason McAlpin of G. McClanahan of m. McKnight Moore of mad. Payne Priest Rogan Searcy Shortridge Simmons Taylor of m. Warren Weissenger Williams of J. Wilson Wynn and Young.

Those who voted in the negative are, messrs Abercrombie Andress Baker Blassingame Bolling Booth Clifton of D. Cook of L. Crayton Creagh Crenshaw Earle Esselman Garner Godbold Hampton Harrison Holly Jones of B. McAllister McAlpin of m. McConnell Mcmillan Meade Mitchell Morrow Moore of mar. Moore of w. Peters Phillips Porter Tarver Williams of r. Withers and Wright.



Mr Martin moved to reconsider the vote just taken upon laying the bill on the table, which was carried. The bill was then ordered to be engrossed for a third reading.

The bill to be entitled an act to incorporate the town of Prairie Bluff, in the county of Wilcox, was read the second time. Mr Burke moved that the bill be referred to a select committee, consisting of the delegation of Wilcox county, which was carried.

The engrossed bills from the Senate entitled, an act for the relief of William Irwin, of Perry county: an act to authorize the judge of the county court and commissioners of roads and revenue for the county of Fayette to levy a special tax: an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Montgomery to levy a county tax: an act for the relief of Harriet Peteet: an act to repeal in part and amend the militia laws of this State: and, an act to raise a revenue for the county of Randolph, were severally read a second time, and ordered to a third reading.

Mr McClanahan of s. from the committee on enrolled bills, reported as correctly enrolled, an act for the relief of purchasers of the sixteenth sections in this State: also, an act to repeal in part an act now in force confining the collection of debts before a justice of the peace in the beat where the defendant resides, or where the contract was made, and for other purposes.

The bill from the Senate entitled an act to repeal in part an act therein named, was read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act in relation to the taxes on real estate, was read the second time. Mr Morris moved to insert 'a tract of' before the word 'land,' which was carried. The bill was then ordered to a third reading. The bill to be entitled an act for the relief of the sufferers by the late fire in the city of Montgomery, was read the second time. Mr Wright moved to lay the bill on the table; which was carried. Mr Crenshaw moved to reconsider the vote taken upon laying the bill on the table, which was lost.

The bill to be entitled an act to remove the obstructions and McAdamize the road leading from Ridgeville, in Benton county, by the way of Bissletown and Warrington to Counterport, in Dallas county, was read the second time and referred to a select committee consisting of the delegation from the counties of Butler, Wilcox and Dallas.

The bill to establish a Branch of the Bank of the State of Alabama at Demopolis, in the county of Marengo, was read the second time. Mr Kennedy moved that the bill be referred to a select committee, which was carried. The bill was then referred to a select committee consisting of messrs Kennedy, Moore of mar. and Payne.

Ordered, that leave of absence be granted to Mr Ellis until Wednesday next.

The bill to be entitled an act for the compensation of executors, administrators, and guardians, was read the second time and laid on the table.

Joint Resolutions proposing an amendment to the constitution of the State of Alabama, was read the second time and laid on the table.

The bill to be entitled an act to extend the right of appeal to certain cases therein named, was read the second time and laid on the table.

The bill to establish and discontinue certain election precincts therein named was read the second time. Mr Crenshaw moved to recommit the bill to the committee on privileges and elections, which was carried.

The bill to be entitled an act to repeal in part an act approved Dec. 23d, 1836, was read the second time, and referred to the committee on roads, bridges and ferries.

The bill to be entitled an act to provide for holding the fall terms of the circuit courts of the first circuit, was read the second time and laid on the table.

The bill to be entitled an act to extend the powers of the courts of roads and revenue of the several counties in this State, was read the second time. Mr Clifton of C. moved to lay the bill on the table, which was lost. The bill was then ordered to be engrossed for a third reading.

The bill to discontinue and establish certain election precincts was read the second time, and referred to the committee on privileges and elections.

The bill to be entitled an act to raise a revenue for the county of Dale, and to regulate the compensation allowed to sheriffs and clerks for ex-officio services in said county, was read the second time. Mr Warren moved to strike out the words "person and" where they occur before "property" which was carried.

And then the House adjourned until half past 3 o'clock.

*Afternoon Session, Jan. 28.*—The engrossed bill from the Senate to be entitled an act to form the tenth Judicial circuit of the State of Alabama and for other purposes, was read the second time. Mr Booth moved to amend by way of substitute. Mr Hall moved to postpone the further consideration of the bill until the 2d day of February next, which was carried; yeas 39, nays 37.

The yeas and nays being demanded, those who voted in the affirmative are Messrs Baker Blassingame Boston Burke Carmack Clifton of C. Cook of L. Crayton Douglass Earle Finley Hall Hammond Hampton Hancock High Hogg Hollis Jones of B. Mason McCannahan of M. McMillion Mills Mitchell Morrow Moore of mad. Moore of W. Peters Priest Rogan Simmons Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Williams of J. Wilson and Wynn.

Those who voted in the negative, are Messrs Speaker Abercrombie Andress Bates Bolling Booth Clifton of D. Crawford Creagh Crenshaw Godbold Hildiard Holly Jones of C. Kennedy Lindsay Lipscomb Martin McAlister McAlpin of G. McClannahan of S. McConnell McKnight Morris Moore of Mar. Murphy Payne Phillips Searcy Shortridge Tarver Warren Weissinger Williams of T. Withers Wright and Young.

Mr Sommers moved a recommendation of the vote just taken on the postponement of the bill, which was lost.

A message was received from the Senate by Mr Childress, their assistant secretary. Mr Speaker: The Senate have passed bills which originated in the House of Representatives, of the following titles: An act to raise a fund for the use of the Fire Company in the city of Mobile; an act to authorise an election of a Justice of the Peace and Constable in the town of Maplesville, in the county of Bibb, and for other purposes; and have amended the same as therein shewn. They concur in the amendment made by the House to the bill entitled an act to authorise and establish a third battalion in 73d regiment of Alabama militia and have filled the blank in sixth section by the words "eighty four;" an act for the benefit of the sixteenth sections of this State, and have amended the same as therein shewn.

The bill to be entitled an act for the benefit of the sixteenth sections of this State, as amended by the Senate, was read and the amendments concurred in.

Ordered, that the clerk acquaint the Senate therewith.

The bill to authorise the election of a Justice of the Peace and Constable in the town of Maplesville in the county of Bibb and for other purposes, as amended by the Senate, was read and the amendment concurred in. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to be entitled an act to amend an act entitled an act to appropriate a certain sum for the completion of the muscle shoals canal, was read the second time and ordered a third reading.

A message was received from his excellency the Governor, by Mr Gooch, his private Secretary. Mr Speaker: His excellency the Governor, this day approved and signed bills from the House of Representatives of the titles following, namely: "An act to divorce Elizabeth Green from her husband John M. Green; an act to repeal an act increasing the pay of Jurors so far as regards the county of Henry, approved December 21st, 1837; an act to amend the laws relating to absconding slaves; an act to incorporate the town of Clinton, in the county of Greene; an act to divorce Lucretia T. Tate from her husband Griffith Tate; an act to divorce Emeline Ridgell from her husband John W. Ridgell; an act to divorce Sarah Green from her husband William Green; an act to divorce Elizabeth Dance from her husband Henry B. Dance.

The bill to be entitled an act to change the perquisites of the office of the Judge of the county court of Dallas county into a stated salary was read the second time and ordered to be engrossed for a third reading.

The bill to be entitled an act to incorporate the town of Fairfield in Pickens county, was read the second time and ordered to be engrossed for a third reading.

The bill from the Senate to be entitled an act amendatory to the several acts of the State of Alabama, regulating the licensing and retailing of spirituous and fermented liquors, was read the second time. Mr Carmack moved to lay the bill on the table, which was carried.

The bill to be entitled an act to amend the several laws in relation to Grand Jurors, was read the second time and referred to the committee on the judiciary.

The bill to be entitled an act to compensate certain persons therein named, was read the second time. Mr Warren moved to strike out the word "fifty" when it occurs in the eighth line of the bill, and insert "eighty seven," which was carried. The bill as amended was then ordered to be engrossed for a third reading.

The bill to be entitled an act for the relief of William E. Davis was read the second time and ordered to be engrossed for a third reading.

The bill to be entitled an act to extend the time of indentedness of purchasers of 16th sections in this State was read the second time. Mr Carmack moved to lay the bill on the table, which was carried.

The bill to be entitled an act to provide for the formation of an additional Brigade of the militia of this State, was read the second time and ordered to be engrossed for a third reading.

The bill to incorporate the Alabama coal mining company was read the second time and laid on the table.

The bill to be entitled an act to established a Branch of the Bank of the State of Alabama at Wetumpka, was read the second time, and referred to the committee on the State Bank.

A message was received from the Senate, by Mr Childress, their assistant secretary. Mr Speaker: The Senate have passed bills which originated in the House of Representatives, of the following titles: An act to abolish imprisonment for debt; an act to incorporate a Male Academy in the town of Livingston; an act to alter and amend the charter of the city of Mobile; an act to authorize the formation of an additional Regiment in the county of Barbour, and have amended the same as therein shewn; an act to alter the mode of assessing and collecting the county tax in the county of Butler, and for other purposes.

The bill to be entitled an act to make further appropriation for the improvement of the navigation of the Tombecbee river, was read the second time. Mr Priest moved to postpone the further consideration of the same until the first of February next.

And then the House adjourned until 7 o'clock, P. M.

*Night Session, January 28th 1839.*—Ordered that the Senate be now invited into the Hall of the House of Representatives for the purpose of going into the election of a President and six Directors for the Branch of the Bank of the State of Alabama at Huntsville. Also for a President and six Directors for the Branch of the Bank of the State of Alabama at Decatur. The Senate repaired to the Hall of the House of Representatives, and were seated.

The two Houses then proceeded to the election of a President for the Branch Bank at Huntsville. B. M. Lowe alone being in nomination. Those who voted for Mr Lowe, are messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Loyd McClellan McVay Mays Ross Rice Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate—messrs Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Carmack Clifton of C. Clifton of D. Cook of L. Crayton Creagh Crenshaw Douglass Eselman Finley Garner Godbold Golding Hall Hammond Hampton Hancock Harrison Henderson High Hilliard Hogg Hollis Jones of B. Jones of C. Kennedy Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of m. McClanahan of m. McConnell McKnight McMillan Meade Mills Mitchell Morris Morrow Moore of mad. Moore of W. Murphy Payne Peters Philpot Porter Priest Rogan Searcy Shortridge Simmons Smith of D. Smith of m. Sommers Tarver Taylor of F. Taylor of m. Vining Walker Warren Williams of J. Williams of T. Wilson Withers Wright Wynn and Young of the House of Representatives.

Mr Lowe having received the whole number of votes given, mr Speaker declared him duly elected President of the Branch Bank of the State of Alabama at Huntsville.

The two Houses then proceeded to the election of six Directors for the Branch Bank at Huntsville. R. M. Patton, S. S. Ewing, B. Patterson, E. L. Andrews, J. F. Wyche, T. V. Province, E. W. Williams, Thomas Brandon, William Saunders and John Phelan, sen. being in nomination.

Those who voted for mr Andrews, are messrs President Farrar Fleming Hill King Mays Ross Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate—messrs Speaker Abercrombie Baldwin Baker Clifton of c. Cook of L. Crayton Creagh Crenshaw Douglass Finley Godbold Golding Hammond Hancock Henderson High Hilliard Hollis Jones of c. Kennedy Lipscomb McAllister McAlpin of G. McAlpin of m. McKnight McMillion Meade Mills Morris Morrow Moore of mad. Moore of W. Murphy Payne Peters Porter Rogan Searcy Shortridge Simmons Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Warren Wilson Wright and Wynn of the House of Representatives 63.

Those who voted for mr Brandon, are messrs President Baylor Cottrell Dent Farrar Fleming Frazier Hill Loyd McVay Mays Rice Riddle Rogers Simmons Smith Terry Toulmin Wellborn and Wilson of the Senate—messrs Baker Blassingame Bolling Booth Boston Carmack Clifton of c. Clifton of D. Cook of L. Creagh Crenshaw Douglass Finley Godbold Golding Hall Hammond Hampton Hancock Harrison Henderson High Hogg Hollis Holly Jones of B. Jones of C. Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of m. McConnell McKnight McMillion Mills Mitchell Morris Morrow Murphy Payne Peters Philpot Rogan Searcy Shortridge Simmons Smith of m. Sommers Taylor of F. Vining Warren Williams of T. Withers Wright and Wynn of the House of Representatives. 31.

Those who voted for mr Ewing, are messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Loyd McClellan Ross Rice Riddle Rogers Simmons Toulmin Ward and Watrous of the Senate.—messrs Speaker Abercrombie Address Baldwin Baker Bates Bolling Booth Burke Carmack Clifton of c. Cook of L. Crayton Creagh Douglass Esselman Finley Garner Hall Hampton Hancock Harrison Hilliard Hogg Holley Kennedy Lindsey Mason McAlpin of G. McAlpin of m. McKnight McMillion Meade Mitchell Morris Morrow Moore of mad. Moore of W. Murphy Payne Peters Philpot Porter Rogan Searcy Shortridge Simmons Sommers Tarver Taylor of m. Vining Walker Williams of J. Williams of T. Wilson Withers Wright and Wynn of the House of Representatives. 30.

Those who voted for mr Patton, are messrs Devereaux Frazier Lee Loyd McClellan McVay Rice Smith Toulmin and Wilson of the Senate.—messrs Address Baldwin Bates Blassingame Bolling Booth Burke Carmack Clifton of D. Cook of L. Crayton Creagh Crenshaw Douglass Esselman Finley Garner Godbold Hall Hammond Hampton Hancock Henderson High Hilliard Hogg Hollis Holly Jones of B. Jones of C. Kennedy Lipscomb McAllister McAlpin of m. McClanahan of m. McConnell Mills Mitchell Morris Moore of W. Murphy Peters Philpot Porter Shortridge Smith of D. Tarver Warren Williams of J. Williams of T. Withers Wright and Wynn of the House of Representatives. 64.

Those who voted for mr Patterson, are messrs Baylor Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Loyd McClellan Mays Ross Riddle Rice Terry Ward and Watrous of the Senate.—messrs Speaker Abercrombie Address Baker Bates Blassingame Boston Carmack Clifton of c. Clifton of D. Douglass Esselman Finley Garner Godbold Golding Hampton Hancock Harrison Hilliard Hogg Hollis Holly Jones of c. Kennedy Lindsey Lipscomb Martin Mason McAlpin of G. McClanahan of m. McConnell McKnight McMillion Mills Mitchell Morrow Moore of mad. Payne Philpot Porter Simmons Smith of m. Tarver Taylor of F. Taylor of m. Vining Walker Warren Williams of J. Williams of T. Wilson Wright and Young of the House of Representatives. 75.

Those who voted for mr Phelan, are messrs Baylor Devereaux Hudson Lea McVay Simmons Smith and Wilson of the Senate.—messrs Address Baldwin Blassingame Bolling Boston Burke Clifton of c. Clifton of D. Cook of L. Crenshaw Garner Godbold Golding Hall Hammond Harrison Henderson High Hogg Hollis Holly Jones of B. Jones of C. Lindsey Martin McAllister McAlpin of m. McClanahan of m. McConnell McKnight McMillion Morrow Moore of W. Murphy Peters Porter Rogan Searcy Shortridge Simmons Smith of D. Smith of m. Sommers Taylor of F. Walker Warren Williams of J. Wright and Wynn of the House of Representatives. 57.

Those who voted for mr Province are messrs Cottrell Dent Fleming King Ross Ward and Wellborn of the Senate.—Messrs Speaker Abercrombie Address Bates Clifton of D. Crayton Creagh McAlpin of G. Moore of mad. Tarver Taylor of m. Vining and Young of the House of Representatives. 20.

Those who voted for mr Saunders, are messrs President Baylor Cottrell Devereaux Hill Hudson Lea McClellan McVay Mays Rogers Simmons Smith Terry Toulmin Watrous and Wellborn of the Senate.—messrs Address Baldwin Baker Blassingame Bolling Booth Boston Burke Carmack Creagh Crenshaw Douglass Esselman Garner Golding Hall Hammond Hampton Harrison Henderson High Hilliard Hogg Hollis Jones of B. Jones of C. Kennedy Lindsey Lipscomb Martin Mason McAllister McClanahan of m. McConnell McKnight McMillion Morrow Moore of W. Murphy Peters Porter Rogan Searcy Shortridge Smith of D. Smith of m. Sommers Tarver Taylor of F. Walker Williams of J. Williams of T. Wilson Withers Wynn and Young of the House of Representatives. 71.

Those who voted for mr Williams are, messrs Baylor Cottrell Dent Devereaux Farrar Frazier Hill Hudson King Lee Lloyd McClellan McVay Mays Ross Rice Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate; messrs Speaker Abercrombie Baker Bates Blassingame Bolling Booth Boston Burke Carmack, Clifton of c. Cook of L. Crayton Crenshaw Douglass Esselman Garner Golding Hall Hammond Hampton Harrison Henderson High Hilliard Holly Jones of B. Kennedy Lindsey Lipscomb Martin Mason McAllister McAlpin McClanahan of m. McConnell McKnight McMillion Meade Mills Mitchell Morris Morrow Moore of mad Moore of w. Murphy Payne Peters Philpot Rogan Searcy Simmons Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Warren Williams of J. Williams of T. Wilson Withers Wright Wynn and Young of the House of Representatives—91.

Those who voted for mr Wyche are, messrs President Cottrell Dent Farrar Fleming Frazier

Hudson King Lea Lloyd McClellan Ross Rice Riddle Rogers Terry Ward Watrous Wellborn and Wilson of the Senate—messrs Speaker Abercrombie Baldwin Bates Booth Burke Clifton of D. Crayton Esselman Golding Hampton Jones of B. Martin Mason McAlpin of G. McConnell Meade Mitchell Moore of Mad. Moore of W. Tarver Taylor of M. Vining Walker Wilson Withers and Young of the House of Representatives—47.

Messrs. Andrews, Brandon, Ewing, Patterson, Saunders, and Williams, having each received a majority of the whole number of votes given, Mr Speaker declared them duly elected Directors of the Branch Bank of the State of Alabama, at Huntsville.

The two Houses next proceeded to the election of a President for the Branch Bank of the State of Alabama at Decatur—James T. Sykes alone being in nomination.

Those who voted for Mr Sykes are messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Lloyd McClellan McVay Ross Rice Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate; messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Carmack Clifton of C. Cook of L. Crayton Creagh Crenshaw Douglass Earle Esselman Findley Garner Golding Hall Hammond Hampton Hancock Harrison Henderson High Hilliard Hogg Hollis Holly Jones of B. Jones of C. Kennedy Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of M. McClannahan of M. McKnight Mcmillion Meade Mills Mitchell Morris Morrow Moore of Mad. Moore of W. Murphy Payne Peters Phillips Philpot Porter Priest Rogan Searcy Shortridge Simmons Smith of D. Smith of M. Sommers Taylor of F. Taylor of M. Vining Walker Warren Williams of J. Williams of T. Wilson Withers Wynn and Young of the House of Representatives.

Mr Sykes having received the whole number of votes given, Mr Speaker declared him duly elected President of the Branch Bank of the State of Alabama at Decatur.

The two Houses then proceeded to the election of six Directors for the Branch of the Bank of the State of Alabama at Decatur, Thomas Liles, G W Carroll, J H Blain H A Bragg, J W Hansel, J N Owen, John Berrey, J C Malone and J W Garth being in nomination:

Those who voted for Mr Bragg, are Messrs Baylor Cottrell Devereaux Farrar Fleming Frazier Hill Lloyd McVay Mays Rogers Simmons Smith Toulmin and Wilson of the Senate—Messrs Baldwin Baker Blassingame Booth Boston Carmack Clifton of C. Cook of L. Crayton Creagh Douglass Earle Findley Garner Golding Hall Hammond Hampton Hancock Harrison Henderson Hilliard Hogg Hollis Holly Jones of C. Kennedy Lipscomb Martin Mason McAllister McAlpin of M. McConnell McKnight Mead Mitchell Morris Morrow Murphy Payne Porter Searcy Shortridge Simmons Smith of D. Sommers Taylor of F. Taylor of M. Warren Williams of J. Williams of T. Wilson Withers Wright and Wynn of the House of Representatives.—63.

Those who voted for Mr Berrey, are Messrs Farrar Frazier King Lee Rice Smith Toulmin Ward Watrous and Wilson of the Senate—Messrs Address Bates Blassingame Bolling Booth Boston Carmack Clifton of C. Cook of L. Crenshaw Douglass Findley Hall Hammond Hancock Harrison Henderson High Holly Jones of B. Kennedy Lindsey Martin Mason McAllister McAlpin of G. McAlpin of M. McClannahan of M. McConnell McKnight Mills Mitchell Morris Moore of Mad. Murphy Peters Philpot Priest Rogan Searcy Shortridge Smith of D. Sommers Tarver Taylor of F. Warren Williams of J. Wilson and Wright of the House of Representatives.—59.

Those who voted for Mr Blain, are Messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Lloyd McClellan Mays Ross Rice Riddle Rogers Simmons Terry Toulmin Ward and Watrous of the Senate. Messrs. Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Clifton of C. Cook of L. Crayton Creagh Crenshaw Esselman Findley Golding Hampton Hancock Harrison High Hilliard Hogg Hollis Jones of B. Jones of C. Kennedy Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of M. McClannahan of M. McKnight Mead Mills Mitchell Morrow Moore of Mad. Moore of W. Payne Peters Philpot Rogan Searcy Simmons Smith of D. Sommers Tarver Taylor of F. Taylor of M. Vining Walker Wilson Withers Wright and Young of the House of Representatives.—83.

Those who voted for Mr Carroll, are Messrs Baylor Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Lloyd McClellan McVay Mays Ross Rice Riddle Rogers Simmons Smith Terry Ward Watrous Wellborn and Wilson of the Senate—Messrs. Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Burke Carmack Clifton of C. Cook of L. Crayton Creagh Crenshaw Douglass Earle Esselman Findley Garner Hall Hampton High Hilliard Hollis Jones of C. Kennedy Lindsey McAllister McAlpin of G. McClannahan of M. McConnell Meade Mills Morris Morrow Moore of Mad. Moore of W. Murphy Payne Peters Philpot Porter Rogan Searcy Shortridge Simmons Smith of M. Tarver Taylor of F. Taylor of M. Walker Williams of T. Withers Wright Wynn and Young of the House of Representatives.—81.

Those who voted for Mr Garth, are Messrs President Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Lloyd McClellan McVay Mays Ross Rice Riddle Simmons Smith Terry Ward Watrous Wellborn and Wilson of the Senate—Messrs. Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Burke Carmack Clifton of C. Cook of L. Crayton Creagh Crenshaw Douglass Earle Esselman Findley Garner Golding Hammond Hancock Harrison Henderson Hilliard Hogg Hollis Holly Jones of B. Jones of C. Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McClannahan of M. McKnight Meade Mitchell Morris Morrow Moore of Mad. Moore of W. Murphy Payne Peters Philpot Porter Priest Rogan Simmons Smith of M. Tarver Taylor of M. Vining Walker Warren Williams of T. Wilson Wright Wynn and Young of the House of Representative.—90.

Those who voted for Mr Hansel, are Messrs President Ross and Rogers of the Senate.—Messrs Abercrombie Address Blassingame Booth Burke Carmack Crayton Douglas Earle Garner Hall Hammond Hampton Harrison Henderson Hogg Hollis Holly Jones of B. McAlpin of M. McConnell Meade Mills Morris Moore of W. Porter Priest Searcy Simmons Smith of D. Smith of M. Taylor of F. Vining Walker Williams of J. Wilson and Withers of the House of Representatives.—40.

Those who voted for Mr Lile, are Messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Lloyd McClellan McVay Mays Ross Rice Riddle Simmons Smith Terry Toulmin Watrous Wellborn and Wilson of the Senate—Messrs. Speaker Abercrombie Baldwin Baker Bates Blassingame Bolling Booth Burke Cook of L. Crayton Creagh Crenshaw Earle Esselman Findley Golding Hall Hammond Hancock Harrison High

Hogg Hollis Holly Jones of C. Kennedy Lindsay Lipscomb Martin Mason McAlister McAlpin of G. McClanahan of M. McConnell McKnight Meade Mills Mitchell Morris Moore of Mad. Moore of W. Murphy Payne Peters Philpot Priest Rogan Searcy Shortridge Simmons Smith of D. Smith of M. Sommers Tarver Taylor of F. Taylor of M. Vining Walker Warren Williams of J. Williams of T. Wilson Wynn and Young of the House of Representatives.—92.

Those who voted for Mr Malone, are Messrs President Baylor Cottrell Dent Fleming Hill Hudson King McClellan McVay Mays Rice Riddle Rogers Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate.—Messrs Speaker Boston Burke Carmack Clifton of C. Douglass Esselman Garner Golding Hampton Hancock Henderson High Hilliard Jones of C. Lindsay Lipscomb Martin Mason McAlpin of M. McClanahan of M. McConnell Mills Mitchell Moore of Mad. Murphy Philpot Porter Priest Rogan Shortridge Smith of D. Smith of M. Sommers Tarver Taylor of M. Vining Warren Williams of J. Williams of T. Withers Wynn and Young of the House of Representatives.—64.

Those who voted for Mr Owen, are Messrs President Baylor Cottrell Dent Devereaux Fleming Frazier Hudson Lea Lloyd McClellan McVay Ross Riddle Rogers Simmons Terry Toulmin Ward and Wellborn of the Senate.—Messrs Speaker Abercrombie Andress Baldwin Baker Bates Bolling Booth Boston Burke Cook of L. Creagh Crenshaw Earle Esselman Garner Golding Hall Hammond Hampton Harrison High Hilliard Hogg Holly Jones of B. Jones of C. Kennedy Lipscomb McAlpin of G. McAlpin of M. McKnight Morrow Moore of W. Payne Peters Porter Priest Shortridge Smith of M. Sommers Vining Walker Warren Weissinger Williams of J. Williams of T. Withers Wright Wynn and Young of the House of Representatives.—70.

Messrs Bragg, Blain, Carroll, Garth, Lisle and Owen each having received a majority of the whole number of votes given, mr Speaker declared them duly elected Directors of the Branch Bank of the State of Alabama at Decatur.

The Senate then withdrew and the *House* adjourned until to-morrow morning half nine o'clock.

*Tuesday, January 29.*—Mr Hampton moved to take from the table the bill to be entitled an act to equalize the funds in township three, range nine, west, in the *Huntsville* land district, which was carried, the bill was then referred to a select committee consisting of messrs. Hampton, Priest and McClanahan of M.

Mr Young from the committee on the judiciary to which was referred the bill for the relief of sureties in certain cases, reported the same back to the House with an amendment, which was by the House concurred in, the bill as amended was then read a second time and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed and read the third time forthwith and passed. Ordered that the title be as aforesaid and that the same be sent to the Senate for its concurrence.

Mr Hilliard from the committee on enrolled bills, reported as correctly enrolled, An act for the relief of John Coleman and others: An act to raise a fund for the benefit of of the fire engine company in the city of Mobile: An act to appoint an additional surveyor for the county of Jackson: An act requiring justices of the peace to give bond and security.

Mr Moore of W. from the select committee to which was referred a bill to incorporate the town of Prairie Bluff in the county of Wilcox, reported the bill back to the House with sundry amendments, which were by the House concurred; the bill as amended was then considered as engrossed and read the third time and passed. Ordered that the title be as aforesaid and that the same be sent to the Senate for its concurrence.

Mr Weissinger from the committee on accounts to which was referred the account of David Redden, reported that it is inexpedient to allow the same. mr McClanahan of S. moved to disagree to the report, which was lost; the report was then concurred in.

A message was received from the Senate by mr Childress their Assistant Secretary: Mr Speaker, the Senate have passed the following bills which originated in the House of Representatives, to wit: An act to authorise the sale of slaves in the town of Demopolis: An act to incorporate Mount Moriah Academy: An act to incorporate the Dadeville Female Academy: An act to alter and amend the seventh section of an act to be entitled an act to amend and consolidate the laws on the subject of public roads, approved on the 23rd December, 1836, so far as regards the county of Covington: An act to change the time of holding the county court in Macon county.

Mr Warren from the select committee to which was referred a bill to be entitled an act for the payment of certain claims growing out of the late Indian hostilities, reported the same back to the House with an amendment as therein shown, which was, by the house, concurred in: mr Creagh moved to amend by way of engrossed ryder, as follows, strike out the words "to Thomas Warren



the sum of one hundred and thirty-two dollars and fifty cents, for forage furnished Captain Creer's company Alabama volunteers" which was carried; the bill was then read the third time and passed: ordered that the title be as above, and that the same be sent to the Senate for its concurrence.

Mr Porter, from the select committee to which was referred certain proceedings of the commercial convention, held in Augusta, made the following report:

The select committee to which was referred certain proceedings of the Commercial Convention, held in Augusta, Georgia, Report:—The effort to effect a direct trade with foreign nations, in favor of the Southern and Western States, is one deeply interesting to the people of Alabama; and the committee congratulate the country, that a scheme, so favorable to its commerce and agriculture, is beginning to be duly appreciated.

It is an anomaly in the history of the commercial world, that an exporting country, possessed of productions of extraordinary value, should for years, be obliged to seek an indirect market, through which to dispose of its commodities, and to purchase its supplies: Yet such are the principles upon which the commerce of the South has been regulated.

The United States cannot be expected to draw from other countries, either the theory or practices of commerce, except in a few general details. In many essentials, we bear to each other a very different relation, than that which exists between foreign nations. Other governments, when they regulate trade, prescribe its channels and restrict its operations, do so in respect to foreign communities alone—many times, from political considerations, which are not weighed against internal prosperity. But they seldom pursue a policy directly affecting trade between different portions of their own country. We do so, but it is not to regulate commerce, but in a manner limited to the defined purposes of revenue, and of equality between foreign nations, and the States. If our commerce is trammelled with other restraints than these—if it is forced into circuitous routes, and made to pass through intermediate markets, where accumulating toll is constantly augmenting its expense, and impeding its prosperity—we owe it alone to the fact, that our citizens prefer to be tributaries, rather than principals. That instead of putting forth their interprize in favor of that market, which can be directly reached by themselves, they prefer to pay to others the price of an agency, which is continually impoverishing the South.

Where a State has no surplus production, she can have no exports, and consequently no imports. Trade to one thus situated, is therefore immaterial and unnecessary. But she is not in a worse condition than that State, which, with an invaluable and increasing production, demanded by the whole world suffers her exports to be sold by foreign hands, through circuitous markets: and their value, thus decreased, returned to her by the same hands, through the same markets, in the shape of imports, after realizing a profit to others, who neither share the burdens of the State, nor spend one cent among our citizens. Such is the condition of Alabama! With a production worth annually, eighteen millions of dollars, which, therefore, forms the amounts of our exports, and is properly the basis of our imports, we permit other States to profit by an agency, which is a loss to our citizens, to the amount of the charges and profits placed upon the disposal of those exports, and the purchase of our imports. What this loss is, can be appreciated by a calculation of the price of that which we sell to foreign nations, and purchase from them, through other State or markets in the Union.

It cannot surely be any part of the political economy of Alabama, to seek any other market for her products, than that which yields the readiest sale, the largest price, and where the cheapest articles of consumption can be obtained. Why then is it, that the vast amount of cotton which has been raised in Alabama, since she became a State, has found the European market through the Northern cities? Or why does the goods and necessities of life, which we impart from the same original source, come to us only through the same secondary channels? If we possessed no means of communication from the interior, and the waters of the Gulf of Mexico were not contiguous to our limits, we might find an answer, less calculated to mortify the pride of our citizens. But in the present state of the case, truth impels to admit, that want of commercial interprize is the sole cause of our dependence. Advancing as rapidly as the people of this State have, in wealth and population: possessed of a fertile soil, which so abundantly repays the labor of cultivation, each man, in the contemplation of individual prosperity, has been careless of national wealth:—A wealth, which, when the private quota of one citizen is concerned, is nothing; but which, to future generations, may be a sure capital, upon which to base the highest destinies of the State. It requires no abstract reasoning to sustain the position, that national wealth must be obtained by the same process that the wealth of individuals is procured. And the riches of a nation, is only a different mode of expressing the prosperity of the entire mass of people composing a State. If an individual employs an agent to effect that for him, which he can do himself, he, extravagantly wastes his means to the amount he pays for the agency. So, if the people of a State hire the sale of their exports to intermediate agents, they must necessarily decrease the value of their exports, to the amount of the hire. If they go further, and make their purchases through the same agents, the double operation adds a double loss to the production. Thus, New York is the commercial emporium of the United States: If a bale of cotton is worth there, sixty dollars, it will probably be worth in the interior, fifty dollars; it is, therefore, the interest of the seller to dispose of it in New York. If, however, from any cause, he cannot go there, he must sell through another. Then he who thus becomes



the agent to sell for the producer, must be paid for his time; his trouble, his expenses: all which constitute his profit. But it frequently happens that the agent who thus sells the cotton of the producer, also sells to him his groceries or other goods. These, the agent buys in New York, where he sells the cotton: and upon the price of the goods he also adds for his time, trouble and expenses. This is paid for by the consumer likewise; and thus, the sale of his produce, and purchase of his necessities, all take from the original worth of the produce, to the amount of what is made by the agent. Now, if the amount thus paid to this agent, could be confined to our own State, and expended among ourselves, the effect would not be very material; for a State does not suffer largely from payments which are expended among its people. But this is not the effect of the profits we pay in the case stated, because the agency is carried on by citizens of other States. This too, is the result of the matter supposed, in reference to a direct market. But suppose we are only enabled to reach that direct market through intermediate agents and markets—is it not apparent that we are continually subjecting our production to unnecessary restrictions? No prohibitory tariff would, it seems to us, be more intolerable, than a system which impels us to reach the market where we sell and buy, through intermediate channels. Yet such is the effect of our present policy.

Of the two hundred and eighty thousand bales of cotton which find their way to market from this State, probably one hundred thousand reach New Orleans, by the Tennessee and Mississippi rivers; and the balance passes through Mobile. That portion of the amount which reaches Mobile, and is not shipped to Liverpool and Havre through New York, is shipped directly to the foreign market, in vessels owned in the latter city, after being purchased by capital owned there likewise; so, that we may estimate, that the entire amount of our exports of cotton (worth eighteen millions of dollars) has to reach the European market through agents who are not citizens of the State, and upon whom we need not be necessarily dependent. This costs us probably one million eight hundred thousand dollars. But it will be asked, can every producer sell for himself? We say no: but if we employ agents, let them be our own citizens, who will return the profits they make, into the community from which they are derived; and the burden will cease to be intolerable. Again, the same channels return us our imports. These consist of dry goods, cutlery, and groceries, which we indirectly purchase to a large amount, from Europe and the West Indies, through New York, by the same agents. If our imports equal in value our exports, which is the stated rule, and those who thus purchase for us, charge us only ten per cent which is a very moderate calculation, (as we believe imports to the southern market, may be safely arranged at twenty per cent,) we pay up in our imports one million eight hundred thousand dollars. Thus making upon exports and imports, three million six hundred thousand dollars, which we pay for the privilege of taking the Northern markets in our route to those of foreign countries. This is a calculation in respect to our own first markets. Add to the amount, the expenses and charges put upon the goods before they go into the hands of the consumers, and the sum total will be very greatly increased.

If this amount must be paid, why should it not be paid to our own citizens? If we must employ agents, why should we not select those who will return the profits they derive from us, back to us again? Why should not the legislation of the State put forth its most liberal power to attain for the people, this desirable end? Why should not the people themselves, while the resources of this noble and prosperous State, are full of youth and energy, seize upon an enterprise which thus promises such beneficial results? Results of no chimerical, vague or uncertain character, but taught us by the lesson of facts, ascertained by the best proof—the proof of experience itself.

If we take the article of cotton alone, and enter into a calculation of the loss occasioned to the planting interest of the South and West, by an indirect trade, we will be astonished at the result. The estimated crop of cotton for the year ending the 30th September, 1833, is 1,891,497 bales. This cotton is transported by sea, either to the Northern ports, or directly to Europe. Of this number 1,165,155 bales go to England; 321,480 to France; 63,099 to the North of Europe; and 25,895 to other foreign ports—making a total of 1,574,629, sent abroad. Deduct this number of bales from the entire crop, and we find that 226,868 bales are used at home, and returned to us in domestic manufactures. It is but reasonable to estimate the freight paid upon the number of bales shipped abroad, at one and a half cents per pound. If this be calculated upon 1,574,629 bales, supposing each bale to contain three hundred and forty pounds, which gives 535,373,860 pounds, it is shewn that the producing States pay for freight alone \$3,030,607 99. Other charges, such as commissions, shipping, insurance, may be said to amount to at least five per cent. Now the amount of the crop shipped, valued at thirty dollars per bale, is 47,238,870 dollars. Five per cent upon that amount,

To which add the freight, which is

\$2,316,913 50  
8,030,607 99

And you have a total of

\$10,392,551 49

This immense amount deducted from a crop of the value of \$47,238,870, is distributed among those who act as the transporting and selling agents of the producer, all of whom live north of the Potomac river. The south thus stands in the attitude of feeding from her own bosom a vast population of merchants, ship-owners, capitalists, and others, who, without the claims of her progeny, drink up the life blood of her trade.

It cannot be here asserted that a deduction should be allowed for that portion of the Southern crop which is shipped directly from the Southern ports to foreign countries. The tonnage registers will show that nine-tenths of the shipping employed, belong to Northern capitalists.

Now let us bring this calculation home to Alabama. Her estimated crop of cotton for the year ending 30th September, 1838, is 369,867 bales. This calculated at 400 pounds to the bale, gives 123,922,800 pounds. One and a half cents freight is, \$1,858,842,

Commissions, shipping, insurance at 5 per cent on amount of crop, is, viz :

\$12,392,280, at \$40 per bale, is equal to

619,614

Add one and a half cents per pound for lagging, factor's commissions, transportation to Mobile, which is

1,858,842

Total,

\$4,337,298

Deduct this from \$12,392,280, the value of our crop at home, and we have left us, \$8,054,982.

When in addition it is recollected that this amount is again indirectly expended abroad in purchasing our articles of consumption, we will perceive that the most ruinous consequences follow. The destination and disposition of our products for the last twenty years, have not been made subjects of consideration by our citizens, nor their importance estimated. We content ourselves with selling and buying again, without inquiring further than to know, that our crops increase, and that we dispose of them readily. We do not perceive the great drain which is made from us by the capital of others. Foreign capital purchases our produce, but it is taken up again instantly, by foreign imports—Foreign merchants act as our agents in the two transactions—but spend not one dollar of the money we pay, among us again. The immense value of our labor is thus taken abroad, and it is well known that we live humbly, make no extensive improvements, spend little in the luxuries of life, and have few means at the close of the year. Where then goes the value of our labor, but to those who taking advantage of our folly, ship for us, buy for us, sell to us, and after turning our own capital to their profitable account, return laden with our money, to enjoy their easily earned opulence at home.

To purchase our crop, capital is essential—for if not in the country, it will be brought hither by foreign merchants. If the necessary capital, could be created among us, retained and expended among ourselves, who does not perceive at once that there would be a corresponding increase in the wealth, population, and general prosperity of our commercial emporium? What but the valuable trade of the South has caused New York and other Northern cities, to advance so rapidly in riches and extent? If these cities depended alone upon the agricultural exports of the States in which they are situated, to what point of depression would they not dwindle? We very much mistake the effects of the trade of the South, if it has not been to swell the opulence of foreign cities, while our own have by our conduct been condemned to comparative neglect.

Your committee are aware, that many suppose the present scheme to be the precursor of a political separation between the States. If your committee saw this in the future, they might not be disposed vehemently to urge upon this State, a dissolution of the commercial vassalage in which it is held. They might be disposed to let time work a change, which, though essential to the prosperity of the South, might tear asunder more solemn ties, than such as bind the commerce of nations. But we are convinced no such danger lurks in the prospect—and we know of no reason, why one State, because bound to another by the revered, and we trust, eternal bonds of federal union, should yield up its commerce and wealth, to satisfy that melancholy spirit, which is continually looking at events through insidious calculations, and predicting a storm in every change of times. We love the Union—we venerate the principles which united us with the old thirteen; especially as we became a part of the same holy sisterhood, upon the same generous principles of republican liberty. All these matters embrace considerations in opposition to which the pecuniary interests of the State, should not be regarded as an atom. But what we ask, is no political separation. Our commerce only seeks new channels; our trade new markets: our political unity, however, is the same. And when our sister States offer us the same inducements with foreign countries, we will gladly return and pour the tributes of our agriculture into their ports.

The committee recommend for adoption the subjoined Resolutions:—

*Resolved*, That it is to the interests of Alabama to encourage a direct trade.

*Resolved*, That an increase of the necessary capital, the encouragement of commercial associations, and the internal improvement of the State, form the chief means by which this great and desirable project can be perfected.

*Resolved*, That the members of this House, be respectfully urged to recommend meetings in their several counties, for the purpose of calling public attention to this subject; and to consider the propriety of appointing delegates to attend the Commercial Convention, to be holden in Charleston, S. C., on the third Monday in April next.

*Resolved*, That the thanks of the inhabitants of the South and West, are due to those who have promoted this grand and interesting scheme.

*Resolved*, That the Chairman of this committee forward a copy of this Report and Resolutions to the President of the Augusta Convention, and the Executives of the several States interested.

B. F. PORTER, Chairman,  
W. W. PAYNE,  
E. YOUNG. } Committee.

Which was read and the resolutions adopted: ordered that 1000 copies of the foregoing report and resolutions be printed for the use of this house.

A message was received from the Senate by Mr Childress their assistant Se-

cretary, mr Speaker, the Senate, have passed bills which originated in the Senate, of the following titles, to wit :—an act to regulate the duties of the clerks of the county courts in the respective counties in this state : an act to incorporate the Mobile and Spring Hill railroad company : an act for the relief of the sufferers by the late Creek Indian depredations : an act concerning the corporation of the town of Moulton in the county of Lawrence : an act concerning the appointment of directors on the part of the State in the Bank of Mobile : an act to authorize the taking the depositions of attorneys, counsellors and solicitors.

A message was received from the Senate by mr Childress, their assistant Secretary, mr Speaker, the Senate have passed the following bills which originated in the house of Representatives, to wit :—an act to incorporate the Academy of the Lady's Education Society, in the town of Selma : an act to revive and continue in force the charter of the Moulton railroad company : an act to incorporate the Medical Society of South Alabama ; an act to incorporate the Grant's Creek Academy in the county of Tuscaloosa.

The engrossed bill from the Senate to be entitled an act to authorize the taking the depositions of attorneys counsellors and solicitors was read the first time and the constitutional rule being dispensed with, requiring bills to be read on three several days, the bill was read the second time, and the constitutional rule being further dispensed with, the bill was read a third time and passed : ordered that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act concerning the appointment of Directors on the part of the State in the Bank of Mobile, was read the first time and rejected.

The bill from the Senate entitled an act concerning the corporation of the town of Moulton in the county of Lawrence, was read the first time and the constitutional rule requiring bills to be read on three several days, being dispensed with, the bill was read the second time, and the constitutional rule being further dispensed with, the bill was read a third time and passed : ordered that the clerk acquaint the Senate therewith.

A message was received from the Senate by mr. Childress, their assistant Secretary, mr Speaker, the Senate have passed a bill which originated in the Senate—an act to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Tombecbee river and for other purpos ; in which they ask the concurrence of your honorable body.

The bill from the Senate entitled an act for the relief of the sufferers by the late Creek Indian depredations, weich was read the first time and referred to a select committee, consisting of messrs Abercrombie, Porter and Payne.

The bill from the Senate entitled an act to incorporate the Mobile and Spring Hill Railroad company, was read the first time and ordered to a second reading.

The bill from the Senate entitled an act to regulate the duties of the clerks of the respective counties of this state, was read the first time, and the constitutional rule requiring bills to be read on three several days, being dispensed with the bill was read a second time and referred to a select committee, consisting of messrs Morris, Shields and Payne.

The bill from the Senate entitled an act to amend an act entitled an act to establish a board of commissioners for the improvement of the Tombecbee river and for other purposes : was read the first time and ordered to a second reading.

Mr Creagh moved a reconsideration of the vote taken on yesterday, on con-

currence in the resolution of the Senate to adjourn on the second day of February next; which was lost. Yeas 36, nays 49.

The yeas and nays being demanded those who voted in the affirmative are, messrs. Speaker Abercrombie Baldwin Bolling Booth Boston Carmack Clifton of c. Creagh Crenshaw Douglass Esselman Godbold Holly Kennedy Lipscomb Martin Mason McAlister McAlpin of m. McConnell McKnight McMillion Mills Morris Moore of mad. Peters Phillips Porter Searcy Shields Sommers Tarver Walker and Withers.

Those who voted in the negative are, messrs. Address Baker Bates Blassingame Burke Clifton of D. Cook of L. Crawford Crayton Earle Finley Garner Hall Hammond Hampton Hancock Harrison High Hogg Hollis Jones of B. Jones of c. Lindsey McAlpin of G. McClannahan of m. McClannahan of B. Meade Mitchell Morrow Moore of mar. Moore of W. Murphy Payne Philpot Priest Rogan Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Vining Warren Williams of J. Williams of T. Wilson Wright Wynn and Young.

A message was received from His Excellency, the Governor, by Mr. Gooch, his private secretary, Mr. Speaker, his Excellency, the Governor, on this day, approved and signed bills from the House of Representatives, of the following titles, viz:—an act to repeal in part an act now in force confining the collecting of debts before a justice of the peace, in the beat where the defendant resides or where the contract was made and for other purposes; an act fixing the salaries of the secretary of state, the state treasurer, comptroller of public accounts and adjutant and inspector general; an act to locate the seat of justice for the county of De Kalb and for other purpose; an act to change the names of certain persons therein named; and an act for the relief of purchasers of sixteenth sections in this state.

Mr. Martin, from the committee on privileges and elections to which was referred the engrossed bill from the Senate to be entitled an act to establish and abolish certain election precincts therein mentioned, and have amended the same by striking out sections 13, 14, and 15, and in lieu thereof inserted the section therein shewn; and in section 17 after the word 'Joices' insert 'and Landtown' and have also inserted additional sections 22, 23, 24, and 25. The bill to be entitled an act to establish and abolish certain election precincts therein mentioned as amended by the committee, was then read. Mr. Clifton moved to amend the 23d section by striking out 'Cartersville,' which was carried. Mr. Finley moved to amend by inserting 'Ulsby's' before 'Taylor' in Jackson county, which was carried. Mr. Shortridge moved to amend by striking out section 5, which was carried. Mr. Jones of B. moved to strike out so much as abolishes a precinct at Ridgville and insert one at 'Walers,' which was carried. Mr. Warren moved to amend by striking out 'Taylor's Store house' and insert 'Edmund Russell,' which was carried. Mr. Morris moved to amend by an additional section, which was carried. Mr. Lipscomb moved to amend by an additional section, which was carried. Mr. Moore of mar. moved to amend by inserting 'Joel' before 'Dixon,' which was carried. Mr. Booth moved to amend by inserting after 'Horton's store' the word 'Glenville,' in Barbour county, which was carried. Mr. Shortridge moved to amend by an additional section, which was carried. Mr. Crenshaw moved to reconsider the vote just taken, which was carried. The question then recurring on the adoption of the amendment made by Mr. Shortridge, was decided in the negative. The bill as amended was then read the second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The engrossed bill to be entitled an act making appropriation for the payment of the members and officers of the present General Assembly, being a special order for this day, was read the third time and passed. Ordered, that the title be as aforesaid and that the same be sent to the Senate for its concurrence.

The bills from the Senate, entitled an act to amend an act entitled an act to appropriate a certain sum for the completion of the Muscle Shoals canal: an act to raise a revenue for the county of Randolph: an act to repeal in part and amend the militia laws of this State: an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Montgomery, to levy a county tax: an act to authorize the judge of the county court and commissioners of roads and revenue for the county of Fayette to levy a special tax, and an act to incorporate the town of Syllacogga, in Talladega county, were severally read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act in relation to the taxes on real estate, was read the third time. Mr McClannahan of m. moved to lay the bill on the table, which was carried.

The bill from the Senate entitled an act for the relief of Harriet Peteet, was read the third time. Mr Creagh moved to amend by way of engrossed proviso, as follows: '*Provided*, That this act shall not take effect until March, 1840,' which was lost. Mr Earle moved to amend by an additional section, which was carried, and the bill passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act for the relief of William Irwin, of Perry county, was read the third time. Mr Shields moved to amend by an additional section, which was carried and the bill passed. Ordered, that the clerk acquaint the Senate therewith.

The engrossed bill to regulate bail in criminal cases, was read the third time and rejected.

The engrossed bills to be entitled, an act for the relief of William E. Davis: an act to raise a revenue for the county of Dale, and to regulate the compensation allowed to the clerks and sheriff of said county for ex officio services: an act to establish a certain road therein designated: an act to amend an act to incorporate the Selma and Tennessee rail road company, approved the 22d day of December, 1836: an act to incorporate the town of Cusetah, in the county of Chambers: an act for the relief of Lemuel Pounds: an act to form an additional regiment in the county of DeKalb: an act to change the boundary line of Russell county: an act to regulate in part sheriff's sales in the county of Shelby: an act for the relief of Thomas T. Gammage: an act to change the name of a certain person therein named: an act for the relief of Golden Harper: an act to alter and amend an act approved on the 23d of December, 1837, in relation to retailers of spirituous liquors so far as relates to the county of Covington: and an act for the relief of Robert C. Cummings and Leonidas C. Spyker, were severally read the third time, and passed. Ordered, that the titles be as aforesaid, and that the same be sent to the Senate for its concurrence.

The engrossed bills, entitled an act to divorce Mary Clarke from her husband Elijah Clarke: an act to divorce John White from his wife Elizabeth White: an act to divorce Hiram Elam from his wife Celia Elam: an act to divorce Early A. Brown from his wife Elizabeth Brown: an act to divorce Eliza Crawford from her husband Stephen Crawford; an act to divorce Nancy Davis from her husband Hezekiah Davis: an act to divorce William Logan from his wife Mary Logan: an act to divorce John Hughs from his wife Rosannah Hughs: an act to divorce Eliza McLaughlin from her husband Peter McLaughlin: an act to divorce Sarah Harman from her husband Joel Harman: an act to divorce Henrietta W. Montague from her husband Joseph H. Montague, and an act to divorce Harriet Trull from her husband John S. Trull, were severally read the third

time and passed by the constitutional majority. Ordered, that the titles be as above and that the same be sent to the Senate for their concurrence. And then the House adjourned until half past three o'clock.

*Afternoon Session, January 29th, 1839.*—Ordered, that mr Baker be excused from serving on the apportionment committee of conference and that mr Burke be appointed in his place.

Mr Booth introduced a bill to be entitled an act to suppress the evil practice of carrying weapons secretly, which was read a first time and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a second time and referred to the committee on the judiciary.

The bill to be entitled an act to make further appropriation for the improvement of the navigation of the Tombeckbee river, being under consideration, the question recurring on the motion of mr Priest to postpone the further consideration of the same until the first of February next, was lost. mr Shields moved to strike out the word 'fifty' with a view to insert 'twenty-five,' which was carried. mr Phillips moved to amend by an additional section. mr Searcy moved the previous question, which was lost. Mr Weissinger moved to lay the bill on the table, which was lost. The question then recurring on the amendment offered by mr Phillips—mr Lipscomb moved to amend the amendment by striking out the word 'Mobile,' which was carried. The amendment was then adopted. mr Shields moved to amend by an additional section. And then the House adjourned until 7 o'clock, p. m.

*Night session Tuesday, January 29th, 1839.*—The House met pursuant to adjournment.

Ordered, that the Senate be now invited into the hall of the House for the purpose of going into sundry elections as agreed upon by a resolution of the two houses.

The Senate then repaired to the hall of the House of Representatives and was seated.

The two houses then proceeded to the election of a Chancellor for the Southern division of the State—Anderson Crenshaw, E. S. Dargin, Robert McAlpin and James B. Clarke, being in nomination,

Those who voted for mr Crenshaw are messrs Devereaux Farrar Ross Rains Ward and Wellborn of the senate—messrs Speaker Abercrombie Address Baker Blassingame Bolling Booth Clifton of c. Clifton of d. Crawford Crayton Creagh Douglass Ellis Esselman Golding Hampton Henderson Jones of b. Jones of c. Lipscomb Mason McAlister Mills Moore of mad. Murphy Payne Philpot Porter Rogan Searcy Simmons Smith of m. Taylor of m. Vining Warren Weissinger Wright and Wynn of the House of Representatives—45.

Those who voted for mr Dargin are messrs President Baylor Cottrell Dent Fleming McClellan McVay Mays Simmons Smith and Toulmin of the senate—and messrs Baldwin Boston Cook of L. Hall Hilliard Hogg Holly Morris Shields Shortridge Tarver and Withers of the house of Representatives—24.

Those who voted for mr Clarke are messrs Frazier Hill Hudson King Lloyd and Watrous of the senate—messrs Burke Carnack Garner Hollis Kennedy Martin McClanahan of m. McClanahan of s. Moore of mar. Moore of w. Peters Phillips and Sommers of the house of Representatives—20.

Those who voted for mr McAlpin are messrs Lea Rice Riddle Rogers Terry and Wilson of the senate—and messrs Bates Earle Finley Godbold Hammond Hancock McAlpin of g. McAlpin of m. McConnell McKnight Memillion Mitchell Priest Smith of d. Taylor of F. Williams of J. Williams of T. Wilson and Young of the house of Representatives—24.

Neither having received a majority of the whole number of votes given, the two houses proceeded to vote the second time.

Those who voted for mr Crenshaw are messrs Devereaux Farrar Ross Rains Rogers Smith Ward and Wellborn of the senate—and messrs Speaker Abercrombie Address Baker Blassingame Bolling Booth Clifton of c. Clifton of d. Crawford Crayton Creagh Douglass Ellis Esselman Golding Henderson Jones of P. Jones of c. Lindsey Lipscomb Mason McAlister Mills Moore of mad. Murphy Payne Philpot Porter Rogan Searcy Simmons Smith of m. Taylor of m. Vining Warren Weissinger Wright and Wynn of the house of Representatives—47.

Those who voted for mr Dargin are messrs President Baylor Cottrell Dent Fleming McClellan McVay Mays Simmons and Toulmin of the Senate; and messrs Baldwin Cook of L. Hall Hilliard Hogg Morris Shields Shortridge Tarver and Withers of the house of Representatives—20.

Those who voted for mr Clarke are messrs Frazier Hill Hudson King Lloyd and Watrous of the senate; and messrs Boston Burk Carnack Garner Hampton Hollis Kennedy Martin McClanahan of m. McClanahan of s. McKnight Moore of mar. Moore of w. Peters Phillips and Sommers of the house of Representatives—23.

Those who voted for mr McAlpin are messrs Lea Rice Riddle Terry and Wilson of the senate—and messrs Bates Earle Finley Godbold Hammond Hancock Holly McAlpin of g. McAlpin of m. McConnell Memillion Mitchell Priest Smith of d. Taylor of F. Williams of J. Williams of T. Wilson and Young of the house of Representatives—24.

Neither having received a majority of the whole number of votes given the two houses proceeded to vote the third time—the name of mr Dargin having been withdrawn.

Those who voted for mr Crenshaw are messrs Devereaux Farrar McClellan McVay Ross Rains Rogers Smith and Ward of the Senate; messrs Speaker Abercrombie Address Baldwin Baker Blassingame Bolling Booth Clifton of c. Clifton of d. Cook of L. Crawford Crayton Creagh Douglass Earle Ellis Esselman Golding Hammond Hampton Hilliard Jones of B. Jones

of c. Lindsey Lipscomb mason McAllister mills morris moore of mad. murphy Payne Philpot Porter Priest Rogan Searcy Shields Simmons Smith of m. Tarver Taylor of m. Vining Warren Weissinger Wright and Wynn of the house of representatives--57.

Those who voted for mr Clarke are messrs President Cottrell Dent Frazier Hill Hudson King Lloyd mays Simmons and Watrous of the Senate; and messrs Boston Burke Carmack Garner Hall Henderson Hogg Hollis Kennedy Martin McClanahan of m. McClanahan of s. McKnight moore of mar. moore of w. Peters Phillips Shortridge Sommers and Withers of the house of Representatives--31.

Those who voted for mr McAlpin are messrs Baylor Fleming Lea Rice Riddle Terry Toulmin and Wilson of the senate; messrs Bates Finley Godbold Hancock High Holly McAlpin of G. McAlpin of m. McConnell McMillion Mitchell Smith of D. Taylor of F. Williams of J. Williams of T. Wilson and Young of the house of Representatives--25.

Mr Crenshaw having received a majority of the whole number of votes given, mr Speaker declared him duly elected Chancellor for the Southern Division of the State. The two houses then proceeded to the election of a Chancellor for the Northern Division of the State--Silas Parsons alone being in nomination.

Those who voted for mr Parsons are messrs President Paylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Lloyd McClellan McVay, mays Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate; messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Carmack Clifton of c. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Hall Hammond Hampton Hancock Henderson High Hilliard Hogg Holly Jones of B. Jones of c. Kennedy Lindsey Lipscomb martin Mason McAllister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of s. McConnell McKnight McMillion mills Mitchell morris moore of mad. moore of mar. moore of w. murphy Payne Peters Phillips Philpot Porter Priest Rogan Searcy Shields Shortridge Simmons Smith of D. Smith of m. Taylor of m. Vining Warren Weissinger Williams of J. Williams of T. Wilson Withers Wynn and Young of the House of Representatives.

Mr Parsons having received a majority of the whole number of votes given, mr Speaker declared him duly elected Chancellor for Northern division of the State.

The two houses proceeded to the selection of a site for the location of the State Prison and Penitentiary. Wetumpka, Montavello, Centreville, Tuscaloosa and Marion being in nomination.

Those who voted for Wetumpka, are messrs Cottrell Devereaux McClellan mays Ross Simmons Smith Ward and Wellborn of the Senate; messrs Speaker Abercrombie Address Baldwin Baker Bolling Booth Boston Carmack Clifton of D. Clifton of c. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Esselman Garner Godbold Hall Hammond Hampton Henderson High Hilliard Hogg Holly Jones of B. Jones of c. Lipscomb martin McAllister McAlpin of m. McClanahan of m. McConnell McKnight mills morris moore of w. Murphy Philpot Shields Shortridge Simmons Tarver Taylor of m. Vining Warren Withers and Wynn of the House of Representatives--30.

Those who voted for Montavello, are messrs President Baylor Farrar Frazier Lloyd Toulmin and Watrous of the Senate; messrs Burke Earle Finley Golding Hancock Lindsey mason McClanahan of s. McMillion moore of mad. Peters Phillips Rogan Smith of D. Smith of m. Williams of J. Wilson and Young of the House of Representatives--25.

Those who voted for Tuscaloosa, are messrs Dent Hudson King McVay Rice Rains Riddle and Terry of the Senate; messrs Bates Ellis Hollis McAlpin of G. Mitchell Porter Priest Searcy and Williams of T. of the House of Representatives--17.

Those who voted for Centreville, are messrs Hill of the Senate; messrs Kennedy moore of mar. and Sommers of the house of Representatives--4.

Those who voted for Marion, are messrs Lea of the Senate; messrs Blassingame Weissinger and Wright of the House of Representatives--1.

Wetumpka having received a majority of the whole number of votes given, mr Speaker declared that it is selected as the site for the location of the State prison and penitentiary.

The two houses then proceeded to the election of three commissioners to digest a penal code; Henry W. Collier, Henry Goldthwaite and John J. Ormond alone being in nomination, and having each received the unanimous vote of the two houses, mr Speaker declared them duly elected commissioners to digest the penal code.

The two houses then proceeded to the election of three commissioners to superintend the building of the penitentiary; William Hogan, H. H. Higgins, William Fleming A. Livingston, W. P. Miller, A. A. McWhorter, in nomination.



Those who voted for mr Hogan are messrs President Baylor Cottrell Dent Frazier Hill Hudson King Lea Lloyd McClellan Rice Rains Rogers Terry Toulmin and Wellborn of the Senate; messrs Speaker Address Baldwin Baker Bates Booth Boston Carmack Clifton of c. Crawford Crayton Crenshaw Douglass Earle Ellis Esselman Finley Garner Golding Hall Hammond Hampton Hancock Henderson High Hilliard Holly Jones of B. Jones of P. Kennedy Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of s. McConnell McKnight McMillion Mills Mitchell Morris Moore of mad. Murphy Peters Phillips Porter Priest Rogan Shortridge Simmons Smith of D. Smith of m. Sommers Tarver Taylor of m. Vining Weissinger Williams of J. Wilson Withers and Wynn of the House of Representatives—84.

Those who voted for mr Higgins are messrs President Hill McClellan McVay Simmons and Terry of the Senate; messrs Speaker Baker Boston Creagh Henderson High mason McAllister McConnell Mills Moore of mar. Porter Taylor of m. Williams of T. and Wynn of the House of Representatives—21.

Those who voted for mr Fleming are messrs Dent Devereaux Farrar Lea Mays Ross Rice Rains Riddle Rogers Smith Terry Watrous and Wellborn of the Senate; messrs Speaker Abercrombie Baldwin Baker Booth Burke Earle Ellis Esselman Finley Godbold Hampton High Hilliard Jones of B. Lindsey Martin McClanahan of m. mills mitchell moore of mad. Phillips Philpot Porter Shortridge Smith of d. Tarver Taylor of m. Vining and Williams of T. of the House of Representatives—44.

Those who voted for mr Miller are messrs. Baylor Dent Frazier Hill Hudson Rice Riddle Rogers Simmons and Smith of the Senate; messrs Abercrombie Address Bates Bolling Burke Crawford Crayton Crenshaw Earle Garner Henderson Hogg Jones of B. Lindsey McClanahan of m. McMillion Moore of w. Philpot Priest Tarver Warren Weissinger Williams of J. of the House of Representatives.—33.

Those who voted for mr Livingston are messrs President Baylor Cottrell Devereaux Farrar King Lea McVay Mays Toulmin, of the Senate; messrs Address Baldwin Bates Bolling Burke Cook of L. Crawford Crayton Godbold Hilliard Jones of P. Kennedy Lipscomb McAlpin of G. McAlpin of m. Moore of mar. Moore of W. Murphy Payne Phillips Searcy Shields Shortridge and Sommers of the House of Representative.—34.

Those who voted for mr McWhorter are messrs Cottrell Devereaux Hudson Lloyd McClellan McVay Mays Ross Simmons Toulmin Watrous and Wellborn of the Senate; messrs Abercrombie Booth Carmack Clifton of C. Cook of L. Creagh Douglass Ellis Esselman Garner Golding Hall Hammond Hampton Hancock Hogg Holly McAllister McClanahan of S. McConnell McKnight Mitchell Morris Moore of mad. Moore of W. Payne Peters Rogan Searcy Shields Simmons Smith of m. Sommers Vining Warren Wilson Withers and Young, of the House of Representatives—51.

Those who voted for mr Smith are messrs Farrar Frazier King Lloyd Ross Rains Smith and Watrous of the Senate; messrs Bolling Boston Carmack Clifton of C. Cook of L. Creagh Crenshaw Douglass Finley Godbold Golding Hall Hammond Hancock Hogg Holly Jones of P. Kennedy Lipscomb Martin Mason McAlpin of G. McAlpin of m. McClanahan of S. McKnight McMillion Morris Moore of mar. Murpley Payne Peters Priest Rogan Searcy Shields Simmons Smith of D. Smith of m. Warren Weissinger Williams of J. Williams of T. Wilson Withers Wynn and Young of the House of Representatives—54.

Messrs Hogan and Smith having each received a majority of the whole number of votes given mr Speaker declared them duly elected commissioners to superintend the building of the penitentiary. Neither of the others having received a majority of the whole number of votes given. The two Houses then proceeded to vote a second time. The names of messrs. Higgin and Livingston having been withdrawn.

Those who voted for mr Fleming are messrs Dent Devereaux Farrar Ross Rains Rogers, and Terry of the Senate; messrs Speaker Abercrombie Baker Boston Crawford Esselman Finley Hampton High Hilliard Kennedy Lindsey Moore of mad, Moore of mar. Porter Tarver Taylor of m. and Vining of the House of Representatives—26.

Those who voted for mr Miller are messrs Baylor Frazier Hill and Rice of the Senate; messrs Bolling Crenshaw Earle Henderson Jones of B. McClanahan of m. McMillion Payne Philpot Priest and Weissinger of the House of Representatives—15.

Those who voted for mr McWhorter are messrs President Cottrell Hudson McClellan McVay Simmons Smith and Watrous of the Senate; messrs Address Bates Booth Carmack Clifton of c. Cook of L. Crayton Creagh Douglass Ellis Garner Golding Hall Hammond Hancock Hogg Holly Jones of B. Lipscomb Martin mason McAlister McClanahan of S. McConnell McKnight mitchell Morris Moore of w. murphy Peters Phillips Rogan Searcy Shields Shortridge Simmons Smith of m. Warren Williams of J. Wilson and Withers of the House of Representatives—49.

Mr McWhorter having received a majority of the whole number of votes given, mr Speaker declared him duly elected a Commissioner to superintend the building of the Penitentiary.

The Senate then withdrew, and the House adjourned until to-morrow morning at half past nine o'clock.

*Wednesday, Jan. 30, 1839.*—Mr Hampton moved a call of the House, which was sustained, when the following members answered to their names, and were present: Messrs. Address Baker Blassengame Bolling Boston Carmack Clifton of D. Cook of L. Creagh Douglass Earle Ellis Esselman Hammond Hampton Hancock Henderson Hilliard Hollis Holly Jones of B. Jones of C. Kennedy Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McKnight McMillion Morris Morrow Moore of mad. Moore of W. Peters Phillips Philpot Priest Rogan Searcy Simmons Smith of D. Smith of M. Somners Tarver Taylor of F. Taylor of M. Vining Warren Weissinger Williams of J. Wilson Withers and Wynn.

Ordered, that the bills which passed yesterday be sent to the Senate forthwith.

Mr Taylor of F. from the committee on roads, bridges and ferries, to which was referred a bill on the subject of public roads, reported the same back to the House and recommended its passage. The bill was ordered to be engrossed for a third reading.

The bill entitled an act to repeal in part an act approved Dec. 23d, 1836, was read the second time and ordered to be engrossed for a third reading.

Mr Mason from the committee on enrolled bills, reported as correctly enrolled—an act to incorporate the Grant's Creek Academy, in the county of Tuscaloosa.

Mr Hilliard from the committee on enrolled bills reported correctly enrolled—an act to incorporate the Franklin Academy in the town of Huggsville; an act to incorporate the Marble Spring Academy in the county of Talladega; an act to incorporate the town of Lowndesborough in the county of Lowndes; an act to allow additional compensation for taking the census of this State; an act to authorize the Mobile College to confer degrees, and to exempt the property thereof from taxation; an act to compensate certain persons therein named; an act to authorize the sheriff of Marion county to perform certain duties therein named.

Mr Martin from the select committee to which was referred the bill to be entitled an act for the relief of settlers on public lands lying in the State of Alabama, reported the same back to the House without amendment, and recommended its passage. The bill to be entitled an act for the relief of settlers on public lands lying in the State of Alabama, was then read the third time. Mr Williams of T. moved to postpone the further consideration of the same until the second February next, which was carried; yeas 43, nays 25.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker Address Bates Carmack Cook of L. Creagh Douglass Ellis Garner Godbold Hall Hampton Hancock Hogg Hollis Holly Kennedy Lipscomb Mason McAlister McAlpin of G. McAlpin of M. McClanahan of S. McKnight Mitchell Morrow Moore of W. Murphy Peters Phillips Priest Rogan Searcy Simmons Smith of M. Somners Taylor of F. Taylor of M. Vining Weissinger Williams of T. Wynn and Young.

Those who voted in the negative are, messrs. Baldwin Baker Blassengame Bolling Booth Clifton of G. Earle Esselman Golding Hilliard Jones of B. Jones of C. Martin McClanahan of M. McConnell McMillion Meade Moore of mad. Philpot Shortridge Smith of D. Warren Williams of J. Wilson and Withers.

Mr Jones of B. from the select committee to which was referred a bill to be entitled an act to remove the obstructions and re-adamse a road leading from Ridgeville in Butler county by way of Bizzletown and Warrington to Centerport in Dallas county, reported the same back to the House with an amendment, which was concurred in. Mr Wilson moved to postpone the further consideration of the same until the second February next, which was carried; yeas 40, nays 27.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Bates Blassengame Boston Carmack Creagh Douglass Ellis Finley Garner Hall Hammond Hampton Hancock Harrison Hollis Holly Jones of P. Kennedy Lindsey Mason McAlister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McKnight Mills Mitchell Morrow Murphy Payne Philpot Priest Rogan Searcy Shortridge Smith of D. Smith of M. Somners Tarver Taylor of F. Taylor of M. Vining Warren Williams of J. Williams of T. Wilson Withers and Young.

Those who voted in the negative, are messrs. Speaker Address Baker Bolling Clifton of C. Clifton of D. Cook of L. Earle Esselman Golding Hogg Jones of B. Jones of C. Lipscomb McMillion Meade Morris Moore of mad. Moore of W. Peters Phillips Porter Simmons Weissinger Wright and Wynn.

Mr Porter from the joint committee appointed to examine into the affairs of the Bank of the State of Alabama, respectfully report:—

The committee have extended an investigation into the subject committed, as far as was

deemed essential to the interests of the public, and consistent with the performance of other duties in which the committee have been necessarily engaged.

Sensible that much information is expected, and that the Legislature regard with an anxious and vigilant eye, the policy by which the Bank has been directed, as well as the general condition of its affairs,—the committee have endeavored to make every enquiry, to ascertain every particular, and to expose every circumstance, which would tend to satisfy public opinion, obviate its jealousy, or restore a general confidence.

In the performance of this duty, the committee may be permitted to say, that they have been promptly assisted by the officers of the Bank, with every effort which could encourage investigation, or ascertain results.

It is a source of pride and gratification to the committee, that notwithstanding the dangers in which the banking institutions of the country have been of late involved, our Banks have been enabled to stand the shock—and that the condition of the State Bank at this time, triumphantly attests the prudence of her management, as well as her stability and usefulness.

Imposing circumstances, have combined, to prove the resources of this Bank. The pecuniary difficulties, common to the whole community, have occasioned a constant pressure for discounts;—accompanied with the most anxious demand for specie payments:—Two requirements, in a time of great monied distress, almost incompatible. And to satisfy one of which, renders necessary a denial of the other. Yet so prudent has been the conduct of this Bank, so guarded her operations, that the latter of these requisites have been complied with, without a denial to the contrary of its necessary loans, or an extensive retirement of circulation.

Among other measures adopted by this Bank, at a period of the greatest danger in her transactions, was the determination to make advances upon cotton—without attempting to investigate the constitutional difficulties which have been urged against this policy, the committee are sensible that many plausible reasons exist to favor the power thus exercised, that it was adopted in good faith by the Bank, and that it has resulted, in favoring the prosperity of the Bank, and in promoting the interests of the people. The measure has happily enabled the Bank to provide foreign funds, without which she could neither have sustained her credit at home or abroad. It has assisted her in extending accommodations to the people, without which their pecuniary distresses would have been greatly aggravated, and it has formed a basis for the exchanges necessary to a sale of our agricultural exports. Besides, it has procured for those who have taken advantage of its benefits, a direct market, without which, at the commencement of the season they must have been subjected to great losses and delay in realising the value of their labor. The committee do not, however, in these views, desire to be understood as sanctioning generally, the system just adverted to.

The effects of the course which has been pursued in this and other matters, plainly exhibit the fact, that in the management of our Banks, we have nothing to fear from the discretion of an honest and able Directory: And that Legislation cannot be expected to regulate the prudence, ~~or~~ correct the errors of those who do not possess the necessary qualifications. If this great end—this primary and all saving principle, of electing only honest and qualified Directors, is adhered to,—much bitter reflection, as well as unnecessary legislation will be saved. The Banks will cease to be the theme of abuse, or the occasion of jealous animadversion—they will prove what they were designed to be, a source of convenience to the people, and of profit to the State. They have so far yielded resources to the Treasury which otherwise would have been drawn from the people directly. And it cannot be asserted that the profits which are derived thus indirectly from those who borrow, have the same influence upon the community as the same amount, taken immediately by taxation.

\*The greater portion of the profits realized by borrowing upon the credit of the State, comes from those who themselves profit to a larger amount than they pay; and while these form but a small number of the great whole, the entire population derive the benefit.

Your committee therefore respectfully urge upon the Legislature the suggestion, that

while constant investigations should be made as to the general condition of the Banks, particular legislation should be resorted to with extreme delicacy—continual propositions defining the special policy which should govern the Banks call for constant discussions which go beyond the merits of the particular measure, and reach to the Banks themselves. This is frequently at the expense of what little reputation the Bank is entitled to, and at the cost of public confidence.

If we desire to keep the system pure, we must act with a generous and independent confidence—and while jealous of the credit of the State—while anxious to sustain her institutions from blemish, let us remember that these great ends are first of all to be promoted, by selecting for guardians, those, who will preserve unsullied the great trust committed to their care.

Mr Williams of T. offered the following resolution: *Resolved*, that the Joint Examining committee on the State Bank be instructed to have one thousand copies of the joint Bank report printed for the use of the House, which was adopted.

The engrossed bill to be entitled an act to amend the charter of the Cahawba and Marion rail road company, was read the third time. Mr Phillips moved to fill the blank with 'one hundred thousand,' which was carried and the bill passed. Ordered that the title be as above and that the same be sent to the Senate for its concurrence.

Mr Kennedy from the select committee to which was referred the bill to be entitled an act to establish a Branch of the Bank of the State of Alabama at Demopolis in the county of Marengo, reported that they have amended the same by striking out the second section and adding a substitute therefor, also by striking out the fifth clause of the third section and inserting in lieu thereof a substitute, also by striking out the fourteenth section and inserting a substitute in lieu thereof, reported the same back to the House with said amendments. Mr Moore of mad. moved to lay the bill on the table, which was carried, yeas 48, nays 28.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker Baldwin Blassingame Bolling Clifton of c. Clifton of D. Cook of L. Creagh Ellis Esselman Finley Garner Golding Hammond Hancock Henderson High Hollis Jones of B. Jones of C. Mason McAllister McClannahan of m. McConnel McMillion Mills Mitchell Morrow Moore of mad. Moore of W. Murphy Porter Priest Rogan Searcy Simmons Smith of D. Smith of m. Sommers Taylor of F. Taylor M. Vining Walker Weissinger Williams of J. Williams of T. Wilson and Wynn.

Those who voted in the negative are, messrs. Baker Bates Boston Carmack Crenshaw Douglass Earle Godbold Hampton Hogg Holly Kennedy Lipscomb Martin McAlpin of G. McAlpin of m. McClannahan of S. McKnight Meade Morris Moore of mar. Payne Peters Phillips Philpot Shields Withers and Young.

Engrossed bills to be entitled an act to authorise John A. White and George W. Crozier and their associates to turnpike a certain road therein named: An act to amend an act approved, December 25th 1837, to appropriate the balance of the interest arising from the canal fund which has or may be hereafter deposited in the State Bank or either of the Branches of the State: An act for the protection of mechanics: An act to compensate certain persons therein named: An act to incorporate the town of Fairfield in Pickens county: An act to incorporate the Livingston fire engine company: An act to extend the powers of the courts of roads and revenue of the several counties in this State: An act to change the perquisites of the office of the judge of the county court of Dallas county into a stated salary: An act to define the compensation to be allowed to the clerk and sheriff for ex-officio services performed by them in the county of Henry: An act to incorporate the town of Auburn in the county of Macon: An act to authorise the judge of the county court and commissioners of roads and revenue to levy a special tax for the building of a jail in the county of Henry: An act to provide for the formation of an additional brigade of the militia of this State, and An act for the compensation of talis jurors in the county of Monroe, were severally read the third time and passed. Ordered that the titles be as above and that they be sent to the Senate for their concurrence.

The House then resumed the consideration of the bill to be entitled an act to make further appropriations for the improvement of the navigation of the Tombecbee river.

The question recurring on the adoption of the amendment offered by Mr Shields, was decided in the affirmative; Mr Weissinger moved to amend by an additional section; Mr Baldwin moved to amend the amendment offered by Mr Weissinger; Mr Taylor of F. moved the previous question, which was lost; Mr Priest moved to refer the bill to the committee on inland navigation, which was lost. The question then recurred on the adoption of the amendment offered by Mr Baldwin to the amendment, which was lost. The question finally recurred on the adoption of the amendment of Mr Weissinger and was carried; Mr Jones of B. moved to amend by an additional section; Mr Ellis moved to postpone the further consideration of the bill until the 2nd day of February next, which was lost; Mr Clifton of C. moved the previous question, which was sustained. The main question "shall the bill be engrossed for a third reading?" was decided in the negative, yeas 36, nays 41.

The yeas and nays being demanded, those who vote in the affirmative are messrs Andress Baker Bates Blessingame Bolling Burke Clifton of C. Clifton of D. Cook of L. Crawford Crenshaw Godbold Hogg Kennedy Lipscomb Martin McAlpin of C. McAlpin of m. McConnell McKnight McMillion Meade Mills Morris Moore of mar. Moore of w. Payne Peters Phillips Searcy Shadles Sommers Weissinger Williams of T. Wright and Young.

Those who voted in the negative are messrs Abernethy Baldwin Boston Carmack Crenshaw Douglass Ellis Eschelman Finley Garner Golding Hall Hampton Hancock Henderson Hilliard Hollis Holly Jones of B. Jones of C. Jones of F. Lindsey Mason McClanahan of m. Mitchell Morrow Moore of mar. Murphy Philpot Priest Rogan Sherridge Simmons Smith of m. Taylor of F. Taylor of m. Vining Walker Warren Williams of J. Wilson and Withers.

A message was received from his Excellency the Governor by Mr Gooch his private Secretary :

EXECUTIVE DEPARTMENT, Tuscaloosa, Jan. 30, 1839.

Gentlemen of the Senate and House of Representatives.—I have this moment received the resignation of the Hon. Anderson Crenshaw, judge of the sixth judicial circuit of the State of Alabama. Signed, A. P. BAGBY.

To Hon. JAMES W. McCLUNG, Speaker of the House of Representatives.

The order of the day being suspended, Mr Crenshaw offered the following resolution: *Resolved*, that with the concurrence of the Senate the two Houses will proceed to the election of a judge of the sixth judicial circuit, and also a judge of the city court of Wetumpka, on to-morrow night at seven o'clock; Mr Warren moved to amend by inserting after 'Wetumpka' and three commissioners for the improvement of the navigation of the Ochoctawhatchee river, which was carried, and the resolution as amended adopted. Ordered that the clerk acquaint the Senate therewith and ask its concurrence.

Mr Beeth from the committee on the judiciary to which was referred a bill to suppress the evil practice of carrying weapons secretly, reported the same with an amendment, in which the House concurred. Mr Beeth moved that the constitutional rule be suspended, requiring bills to be read on three several days and give the bill a third reading forthwith, which was carried, and the bill read a third time; Mr Lipscomb moved to amend by way of an additional section, by way of engrossed rider, which was lost. Mr Jones of B. moved to amend by way of engrossed rider; Mr Morris moved to amend the amendment by way of proviso, which was lost. The question then recurred on the amendment offered by Mr Jones of B. and was carried, and the bill passed, yeas 53, nays 24.

The yeas and nays being demanded, those who voted in the affirmative are messrs Baldwin Baker Bolling Boston Carmack Clifton of c. Cook of L. Crawford Crenshaw Finley Garner Godbold Golding Hall Hampton Henderson Hilliard Hollis Holly Jones of B. Jones of C. Jones of F. Kennedy Lindsey McAlpin of C. McClanahan of m. McConnell McKnight Meade Mills Moore of mar. Murphy Phillips Philpot Priest Rogan Sherridge Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson and Withers.

Those who voted in the negative are messrs Speaker Eaton Crenshaw Douglass Earle Ellis Eschelman Hammon Hancock Hogg Lipscomb Mason McAlister McAlpin of m. McClanahan of S. Mitchell Morris Moore of mar. Moore of W. Payne Tarver Wright Wynn and Young.

A message was received from His Excellency the Governor by Mr Gooch his private Secretary: Mr Speaker, His Excellency the Governor this day approved and signed bills

from the House of Representatives of the following titles, to wit: An act to appoint an additional surveyor for the county of Jackson: An act requiring justices of the peace to give bond and security: An act to raise a fund for the benefit of the fire company in the city of Mobile, and An act to incorporate the Bellefonte Academy in the county of Jackson.

Mr Hampton from the select committee to which was referred a bill to be entitled an act to regulate the lands in township three, range nine, west, in the Huntsville land district, reported the same back to the House with two amendments, in which the House concurred, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed and read the third time and passed. Ordered that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

The bill making appropriation for the year 1830, was read the second time; Mr Cook of L. moved to amend by inserting after the words 'sum of,' where they first occur after 'State Treasurer' 'twelve hundred dollars,' which was carried. Mr Cook of L. moved to amend by striking out 'four' where it first occurs after 'Inspecting General' and insert in lieu thereof 'six,' which was carried; Mr Simmons moved to amend by striking out the second section of the bill, which was carried. Mr Cook of L. moved to amend by inserting after 'each' where it first occurs after 'Supreme Court' the following: 'for the pay of two Clerks, each the sum of two thousand dollars,' which was carried; Mr Cook of L. moved further to amend by an additional section, which was carried, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed and read the third time and passed. Ordered that the title be as above and that the same be sent to the Senate for its concurrence.

Mr Mason from the committee on enrolled bills reported as correctly enrolled An act to authorise the sale of slaves in the town of Demopolis: An act to alter the mode of assessing and collection the county tax in the county of Butler and for other purposes: An act to change the time of holding the county court in Macon county: An act to alter and amend the seventh section of an act to be entitled an act to amend and consolidate the laws on the subject of public roads, approved on the 23rd December, 1826, so far as regards the county of Covington.

Mr Mason from the same committee, reported as correctly enrolled. An act to repeal in part an act therein named: and, An act concerning the Mobile and Cedar Point rail road company.

Joint resolutions to provide for printing the annual report of the trustees of the University of Alabama and the accompanying documents, were read the second time, and ordered to be engrossed for a third reading.

Mr Morris from the select committee to which was referred a bill to be entitled an act to regulate the duties of clerks of the county courts in the several counties in this State, reported the same back to the House, with an amendment as therein shewn, in which report the House concurred. Mr McClanahan of m. moved to lay the bill on the table, which was carried.

The bill to be entitled an act to amend an act to alter the laws regulating the admission and practice of counsellors and attorneys at law, was read the second time, and the constitutional rule, requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed and read the third time and passed. Ordered that the title be as above, and that the same be sent forthwith to the Senate for its concurrence.

The bill to be entitled an act making appropriation for the payment of certain claims against the State, was read the second time and referred to the committee on accounts.

The bill to be entitled an act, to require the Secretary of State to procure and

distribute to the new counties in this State, the weights and measures now established by law, was read the second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed and read the third time and passed. Ordered that the title be as above and that the same be sent to the Senate for its concurrence.

The bill to contribute on the part of the State to the survey of the Mobile and Tennessee rail road route, and for the purchase of documents pertaining to said survey, was taken from the table and referred to a select committee consisting of messrs Phillips, Weissinger and Clifton of D.

The bill to provide for the more permanent location of the seat of justice in the county of Butler, was read the second time and laid on the table.

The bill to be entitled an act to provide for the payment of a certain company of troops therein named, was read the second time and referred to the committee on indian affairs.

The bill to be entitled an act to exempt the fire wardens of the city of Mobile, from serving on the jury, was read the second time, and the constitutional rule, requiring bills to be read on three several days, being dispensed with, the bill was taken as engrossed. Ordered that the title be as above, and that the same be sent to the Senate for its concurrence.

The bill to be entitled an act to authorize William Jordan, to erect a toll bridge over Bassetts creek, was read the second time and ordered to be engrossed for a third reading.

The bill to be entitled an act to incorporate the St. Andrews Society of Mobile, was read the second time, and the constitutional rule requiring bills to be read on three several days, being dispensed with, the bill was read the third time and passed. Ordered that the title be as above, and that the same be sent to the Senate for its concurrence.

Mr Moore of Mad. moved to suspend the orders of the day for the purpose of offering an amendment to the rule, so as to take up a bill, which was carried.

Mr Moore of Mad. offered the following resolution: *Resolved*, that the rules of this House, be so amended that the engrossed bill from the Senate entitled an act to prohibit unlawful Banking associations and for other purposes, shall be taken from the orders of the day and be acted on by the House, which lies over one day for consideration.

The bill to be entitled an act to compensate certain persons therein named was read the second time, and the constitutional rule, requiring bills to be read on three several days, being dispensed with, the bill was considered as engrossed and read the third time forthwith and passed. Ordered that the title be as above, and that the same be sent to the Senate for its concurrence.

The bill to be entitled an act to amend the laws now in force, incorporating North Tuscaloosa, was read the second time and ordered to be engrossed for a third reading.

Joint resolutions of the General Assembly, was read the second time and order to be engrossed for a third reading.

The bill to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Cahawba river and for other purposes, was read the second time. Mr Taylor of F. moved to lay the bill on the table, which was lost. Mr Payne moved to amend by an additional section. Mr Weissinger moved to refer the bill to a select committee consisting of the delegation from the counties of Perry, Bibb, Dallas, Montgomery, Pickens and Sumter. Mr Hall moved to postpone the further consideration of the same until the 2d February, which was carried.



Mr Abercrombie from the special committee, to which was referred a bill to be entitled an act for the relief of the sufferers by the late Creek Indian depredations, reported the same back to the House, with an amendment to the first section, by way of proviso, in which report the House concurred; the bill as amended, was then read a second time and ordered to a third reading, and then the House adjourned until half past 3 o'clock.

*Afternoon Session, January 30th 1829.*—Mr Young from the select committee to which was referred an act to incorporate the Greensborough Cavalry Company, reported the same back to the House with an additional section, which was by the House concurred in, the bill as amended, was read the second time, and the constitutional rule, requiring bills to be read on three several days, being dispensed with, the bill was read the third time and passed. Ordered that the title be as aforesaid, and that the same be sent forthwith to the Senate for its concurrence.

Mr Hilliard from the committee on enrolled bills, reported as correctly enrolled; an act to incorporate the Dadesville Female Academy; an act to incorporate the Medical Society of South Alabama, an act to incorporate the Academy of the Ladies Education Society; in the town of Selma; an act to revive and continue in force the charter of the Moulton rail road company; an act to authorise an election of a Justice of the Peace and constable in the town of Maplesville, in the county of Bibb, and for other purposes; an act for the formation of an additional regiment in the county of Barbour; an act to incorporate a male and female Academy in the town of Livingston; an act to incorporate the Mount Moriah Academy.

The bill to be entitled an act to incorporate the town of Marshall in the county of Marshall, was read the second time, and the constitutional rule, requiring bills to be read on three several days, being dispensed with, the bill was considered as engrossed and read the third time and passed. Ordered that the title be as aforesaid and that the same be sent to the Senate for its concurrence.

The bill to be entitled an act to incorporate the town of Dudleyville in the county of Tallapoosa, was read the second time and ordered to be engrossed for a third reading.

The bill to authorise Alexander and William Blythe, to turnpike a road therein named, was read the second time and referred to a select committee consisting of the delegation from Benton, Talladega and Randolph counties.

The bill to authorise administrators to rent real estate and for other purposes, was read the second time and ordered to be engrossed for a third reading.

The bill to regulate the duties of witnesses and clerks of the circuit and county courts of this State, was read the second time and referred to the Judiciary committee.

The bill to allow to the sheriff of the county of Walker, compensation for making return of the senatorial election was read the second time and ordered to be engrossed for a third reading.

The bill to provide for the construction of a bridge over Ufaupsee creek, was read the second time, and the constitutional rule, requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed and read the third time and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for its concurrence.

The bill to repeal an act therein named, was read the second time and ordered to be engrossed for a third reading.

The bill making appropriations out of the nett proceeds of the three per cent fund for the purpose of cleaning out a road therein named, was read the second

time and referred to a select committee, consisting of the delegation from the counties of Russell, Chambers and Benton.

The bill to invest Augustus O. Cox, a minor of Perry county with certain privileges and liabilities was read the second time and ordered to be engrossed for a third reading.

The bill to incorporate the Red Ridge Academy in the county of Tallapoosa was read the second time and ordered to be engrossed for a third reading.

The bill from the Senate to be entitled an act to incorporate the town of Mooresville, in the county of Limestone, was read the third time and passed. Ordered that the clerk acquaint the Senate therewith.

The bill from the Senate to develop and improve the internal resources of the State was read the second time. Mr Henderson moved the previous question, which was not sustained. The bill was then referred to a select committee, consisting of messrs Phillips, Shields and Mason.

The bill from the Senate entitled an act to amend an act entitled an act to establish a Board of Commissioners for the improvement of the navigation of the Coosa River, and for other purposes, was read the second time. Mr Wright moved to lay the bill on the table, which was lost. Mr Harrison moved to amend by an additional section. Mr Rogers moved the previous question, which was sustained. The main question, "shall the bill be ordered to a third reading on to-morrow?" was decided in the affirmative—yeas 66, nays 20.

The yeas and nays being demanded, those who voted in the affirmative, are messrs Speaker Baldwin, Baker Bates Blasingame Bellinger Burch Gibson of C. Chilton of D. Cook of L. Creagh Earle Ellis Finley Goldbold Golding Hall Hummard Hampton Hancock Harrison Hugh Hubbard Hogg Hogg Lindsey Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of m. McClanahan of S. McConnel McKnight Marshall Maule Mills Mitchell Morris Morrow Moore of mar. Murphy Payva Peters Phillips Porter Rogers Searey Shields Sherridge Smith of D. Sommers Tarver Taylor of E. Warren Weissinger Williams of J. Williams of T. Wilson Withers and Young.

Those who voted in the negative are, messrs. Boston Carmack Crawford Douglass Eselman Henderson Hollis Jones of B. Jones of C. Kennedy McClanahan of m. Moore of mad. Moore of W. Philpot Priest Smith of m. Taylor of m. Vining Walker and Wright.

A message was received from his excellency the Governor by Mr Gooch, his private Secretary. Mr Speaker: His excellency the Governor, this day approved and signed bills from the House of Representatives, of the following titles, namely: an act to authorize Henry C. Dunn to make a title to a certain tract of land; an act for the relief of John V. Ous; and, an act for the relief of John Coleman and others.

Mr Baldwin, who voted with the majority on the rejection of the bill making further appropriation for the improvement of the navigation of the Tombecbee river, moved a reconsideration of that vote, which was carried. Mr Shields moved that the bill be laid on the table, which was carried.

Mr Mason from the committee on enrolled bills, reported as correctly enrolled, an act to alter and amend the charter of the city of Mobile.

Mr McClanahan of S. from the same committee, reported as correctly enrolled, an act to authorize and establish a third Battalion in the 73d regiment Alabama militia.

The bill from the Senate entitled an act to authorize the Judge of the county court and the commissioners of roads and revenue for Morgan county to levy a tax for the purpose therein named, was read the second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. Ordered that the clerk acquaint the Senate therewith.

Mr Andress moved to take from the table a bill to provide for holding the fall terms of the circuit courts of the first circuit, which was carried. The bill was read the second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was taken for engrossed, and read a third time forthwith and passed. Ordered, that the title be an act as aforesaid, and that the same be sent to the Senate for concurrence.

The bill from the Senate entitled an act to declare Chockolocco creek a public highway, from Davis' to Bagby's mills, in the county of Talladega, was read

the second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act for the protection of the Muscle Shoals canal was read the second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to amend the acts now in force relating to the taking of depositions, was read the second time and ordered to a third reading.

The joint resolution in relation to banks was read the second time and laid on the table.

The bill from the Senate entitled an act to authorize guardians of minors, idiots, and lunatics, to receive and remove from this State any property to which said ward may be entitled, when both guardian and ward reside out of the State; or remove the same from one county to another in this State, was read the second time and referred to the committee on the judiciary.

The bill from the Senate entitled an act to repeal in part an act entitled an act to limit the accommodations of the president and directors of the Bank of the State of Alabama and its several Branches, approved December 23d, 1837, was read the second time and laid on the table.

The bill from the Senate entitled an act to incorporate the Liberty Academy, in the county of Pickens, was read the second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

Mr Shields, from the select committee, to which was referred a bill entitled an act to develop and improve the internal resources of the State of Alabama, reported the same without amendment and recommended its passage. Mr Priest moved to postpone the further consideration of the bill indefinitely, which was lost. Yeas 39, nays 40.

The yeas and nays being demanded those who voted in the affirmative are messrs Bates Boston Carmack Crench Douglass Eare Elms Garner Hancock Henderson Hollis Jones of c. McAllister McAlpin of G. McAlpin of m. McClanahan of m. McConnell McKnight Memblton Mitchell Morris Moore of m. Murphy Payne Philpot Priest Searcy Simpson Smith of m. Taylor of R. Taylor of m. Young Warren Williams of J. Williams of F. Wilson Wynn and Young. Those who voted in the negative are messrs Speaker Andrews Baldwin Baker Blassingame Boling Booth Burke Clifton of D. Cook of L. Crawford Fraley Goddard Golding Hall Hammond Hixton Hizer Hittard Hogg Holly Kennedy Lipscomb Mason McClanahan of S. Mills Moore of mar. Moore of w. Peters Phillips Porter Rogan Shields Shortridge Smith of D. Walker Weisnager Withers and Wright.

And then the house adjourned until to-morrow morning to half past nine o'clock.

*Thursday, January 31st, 1839.*—Mr Lipscomb, from the judiciary committee, to which was referred the joint resolutions from the Senate, on the subject of complaint by the State of Georgia against the State of Maine, reported the same without amendment, and recommended the adoption, in which report the House concurred.

A message was received from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate have concurred in the amendments of the House to the following bills, to wit: an act to incorporate the town of Mardisville, in the county of Talladega; an act for the relief of William Erwin of Perry county, and an act to abolish and establish certain election precincts therein mentioned. They have also amended and passed bills from the House of the following titles, to wit: an act to form an additional regiment in the county of DeKalb, and an act making appropriations for the payment of the members and

officers of the present General Assembly, in which they ask the concurrence of your honorable body. The Senate have passed the following bills which originated in the House of Representatives: An act to authorize the judge of the county court of Lawrence county to appoint a coroner for said county in certain cases: an act for the relief of Philip H. Lacy; an act to incorporate Franklin Academy, in the county of DeKalb: an act to authorize the judge of the county court and commissioners of revenue and roads of Russell county to levy a tax for county purposes: an act to increase the pay of jurors in the county of Jackson: an act to amend the law upon the subject of the probate of deeds: an act for the support of paupers in the county of Wilcox: an act to authorize David Caulfield to establish a public ferry at the Cedar Bluff, on the Tennessee river in the county of Jackson: an act to suppress the evil practice of carrying weapons secretly: an act to raise a revenue for the county of Dale and to regulate the compensation allowed to the clerks and sheriff of said county for ex officio services: an act to incorporate the town of Cussetah, in the county of Chambers. The Senate disagree to the amendments made by the House to their bills entitled, as follows, viz: An act to incorporate the Greensboro cavalry company, and an act for the relief of Harriet Pilate.

Mr Moore of mad., from the committee on the state bank, to which was referred a bill to change the mode of bringing suits on bills of Exchange, by the Bank of the State of Alabama and its several Branches, reported the same back to the house, that it would be inexpedient to pass the same, which report was laid on the table.

Mr Moore of mad., from the committee on the State Bank to which was referred a bill to be entitled an act to establish a Branch of the Bank of the State of Alabama at Wetumpka, reported that it would be inexpedient to establish any branch bank at the present session in which report the House concurred.

Mr Lipscomb from the select committee to which was referred the claims of certain non-commissioned officers and privates of the companies of captains, Creagh, McGee, Andrews Henderson and Bell, reported a bill to be entitled an act to require the comptroller to examine certain claims for horses lost by non-commissioned officers and privates in the Creek campaign which was read the first time, and ordered to a second reading.

The bill from the Senate making appropriation for the payment of the members and officers of the present General Assembly and for other purposes as, amended by the Senate, was read and the first amendment concurred in—in the second amendment: mr Baldwin moved to strike out one hundred dollars: mr Taylor of F., moved the previous question which was sustained: the question then recurring on concurring in the second amendment was decided in the affirmative. Yeas 46, nays 30.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker Bates Bolling Carmack Clifton of c. Clifton of D. Creagh Douglass Ellis Finley Godbold Hammons Hancock Jones of c. Lindsey Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of m. McCannahan of s. McConnell McKnight Mitchell Morris Morrow Moore of mad. Payne Phillips Philpot Porter Searcy Simmons Smith of D. Smith of M. Tarver Taylor of F. Taylor of m. Vining Weissinger Williams of T. Wilson Wright Wyon and Young.

Those who voted in the negative are messrs. Anlress Baldwin Baker Booth Burke Crawford Crenshaw Earle Eselman Garner Golding Hammon Harrison Hogg Jones of B. Kenned McChannahan of m. Mcmillion Moore of mar. Moore of w. Murphy Peters Priest Rogan Rutherford Shields Walker Warren Williams of J. and Withers.

A message was received from the Senate by mr Childress their assistant secretary, mr Speaker, the Senate concur in the resolution of the House of Representatives to go into the election for a Judge of the 6th Judicial Circuit on this

evening 31st instant, also a judge of the city court of Wetumpka, and three commissioners for the improvement of the navigation of the Choctawhatchee river, and have amended by adding "and also to elect one commissioner for the improvement of the navigation of the Coosa river.

A message was received from His Excellency, the Governor, by Mr Gooch, his private secretary, Mr Speaker, His Excellency, the Governor on yesterday, the 30th instant, approved and signed bills from the House of Representatives, of the titles following, to wit : an act to incorporate the city of Wetumpka ; an act to incorporate the Medical Society of South Alabama ; an act to revive and continue in force the charter of the Moulton Railroad Company ; an act to incorporate the Academy of the Ladies' Education Society, in the town of Selma ; an act to authorize an election of a Justice of the Peace and Constable in the town of Maplesville, in the county of Bibb, and for other purposes ; an act to incorporate the Dadeville Female Academy ; an act to authorize the formation of an additional Regiment in the county of Barbour ; an act to incorporate the Mount Moriah Academy in the county of Wilcox ; an act to incorporate a Male Academy in the town of Livingston.

Mr Young from the Judiciary committee to which was referred the bills, resolutions, and petitions enclosed, reported them back to the House and asked to be discharged from the further consideration of the subject, which report was laid on the table.

The bill to form an additional Regiment in the county of De Kalb, as amended by the Senate, was read and the amendment concurred in ; ordered that the clerk acquaint the Senate therewith.

The bill to incorporate the Greensborough Cavalry Company, as amended was read, and the amendment receded from : ordered that the clerk acquaint the Senate therewith.

The bill for the relief of Harriet Pilate, as amended by the House and disagreed to by the Senate, was read and the amendment receded from ; ordered that the clerk acquaint the Senate therewith.

Mr Weissinger from the committee on accounts to which was referred the bill entitled an act making appropriations for the payment of certain claims against the state, reported the same back with an amendment : in which the House concurred ; Mr Martin moved to amend the bill by an additional section : Mr Morris moved to recommit the bill to the committee on accounts, which was carried.

Mr Moore of mad., called up the resolution offered by him on yesterday, as an amendment to one of the rules of the House ; the resolution was adopted.

Mr Moore of mad., moved to take from the orders of the day the bill from the Senate entitled an act to prohibit unlawful banking associations and for other purposes, which was carried, and the bill read the second time : Mr Hall moved to lay the bill on the table, which was lost. Yeas 14, nays 74.

The yeas and nays being desired, those who voted in the affirmative, are messrs. Andrew Clifton of D. Hall Henderson Hogg Jones of B. Kennedy Lindsay Moore of M. Payne Shields Turver Withers and Wright.

Those who voted in the negative, are messrs. Speaker Abercrombie Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Carmack Clifton of C. Cook of L. Crawford Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Hammond Hampton Hancock Harrison High Hilliard Hollis Holly Jones of C. Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of M. McClannahan of M. McClannahan of S. McConnell McKnight McMillan Mills Mitchell Morris Morrow Moore of mad. Moore of W. Murphy Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shortridge Simmons Smith of mad. Sommers Taylor of F. Taylor of M. Vining Walker Warren Williams of J. Williams of T. Wilson Wynn and Young.

Mr Porter moved to amend by way of proviso, which was lost.

Mr Shields moved to amend by way of proviso and additional sections, as follows :

*Provided*, That the provisions of the first, second and third sections of this act shall not apply to or operate upon the making, emitting, or circulating of any notes of the denomination of five dollars and upwards, before the first day of January, eighteen hundred and forty; nor of any notes of the denomination of ten dollars and upwards, before the first day of January, eighteen hundred and forty-one; nor of any notes of the denomination of twenty dollars and upwards before the first day of January, eighteen hundred and forty-two.

*Sec. — And be it further enacted*, That from and after the passage of this act, it shall not be lawful for the State Bank or any Branch thereof to make or issue any bill or note of a denomination under five dollars; and after the first day of January, eighteen hundred and forty, any bill or note under the denomination of ten dollars; and after the first day of January, eighteen hundred and forty-one, any bill or note under the denomination of ten dollars; and after the first day of January, eighteen hundred and forty-two, any bill or note under the denomination of twenty dollars; and it shall be the duty of the President and Directors of each of said Banks, after the first day of January, eighteen hundred and forty, whenever required, to pay at least one-fourth part of the demands that may be made for specie in gold coins; and after the first day of January, eighteen hundred and forty-one, to pay one-half of said demands whenever, required in gold coins.

*Sec. — And be it further enacted*, That the following shall be and is hereby proposed as an amendment to the charters of the Banks of Mobile and of the Planter's and Merchant's Bank in the city of Mobile, to wit: the Bank of Mobile and the Planter's and Merchant's Bank, shall be subject to such limitations and regulations in regard to the different denominations of notes or bills which said Banks are authorized to issue, as the legislature may impose upon the Bank of the State of Alabama and its several Branches: and it shall be the duty of the Governor to ascertain at as early a period as practicable whether the stockholders in either of said Banks, will accept the same and communicate such information as he may obtain, to the next General Assembly.

*Sec. — And be it further enacted*, That it shall not be lawful for any person to pass off or offer, in payment any notes, bills, bonds, checks, tickets or any description of paper whatever, under the denomination of five dollars and designed for circulation, which may have been made or issued, or which may purport to have been made or issued by any person or persons, Bank, company or association, not within the limits of this State; nor shall it be lawful for any person to pass off or offer in payment, any such notes or bills under the denomination of ten dollars, after the first day of January, eighteen hundred and forty; nor any such notes or bills under the denomination of twenty dollars, after the first day of January, eighteen hundred and forty-one: and any person so offending shall be deemed guilty of a misdemeanor and subject to the penalties provided in the first and second sections of this act.

*Sec. — And be it further enacted*, That if any person or persons, company or association, making or issuing such notes or bills, as may not be prohibited by this act, shall at any time refuse to pay the same in gold or silver, it shall be lawful for the holder of such notes or bills, to have the same protested for non-payment, and by giving thirty days notice in the circuit or county court of the county in which he or she may reside, to obtain judgment against such person or persons, company or association for the full amount of such bills or notes with interest at the rate of twelve and a half per cent from the date of protest, and the private property of every such person or persons, or of the individuals or any one of the individuals composing such companies or associations, shall be to an unlimited extent, and in an unqualified manner, liable to the satisfaction of any judgment so obtained.

Mr. Moore of mad., who voted in the majority, moved a re-consideration of the vote taken on the call for the previous question, which was carried. Mr. Moore of mad., then moved the previous question, which was sustained. So the House decided that the main question be now put. The main question, 'Shall the bill be read a third time on tomorrow?' was decided in the affirmative.

Mr. Martin made the following report: The committee of conference on the part of the House, to which was referred the bill to be entitled an act to apportion the Representatives among the several counties in this State, and to divide the same into Senatorial districts according to the late census, have agreed with the committee on the part of the Senate to amend said bill as follows, to wit: strike out the 2d section of said bill as it passed the House, and also strike out the Senate's amendments thereto, and in lieu thereof insert a second section to said bill, as therein shewn.

Mr. Young moved to postpone the further consideration of the report until half past three o'clock, this afternoon; Mr. Hall moved to postpone till to-morrow, at half past 9 o'clock—which was lost. The question then recurred on the motion of Mr. Young, and was carried.

The bills from the Senate entitled—An act to amend an act entitled an act to establish a board of Commissioners for the improvement of the navigation of the Coosa

River, and for other purposes; an act to amend the acts now in force regulating the taking of depositions; and an act for the relief of the sufferers by the late Creek Indian depredations—were severally read the third time and passed: Ordered that the clerk acquaint the Senate therewith.

Engrossed bills of the following titles: An act to invest Augustus O. Cox, (a minor of Perry county) with certain privileges and liabilities; an act to incorporate the Red Ridge Academy, in the county of Tallapoosa; an act to amend the laws now in force incorporating the town of North Tuscaloosa; an act to authorize William Jordan to build a toll bridge over Bassett's Creek, in the county of Washington; an act in relation to the distribution of Aikins' Digest in certain counties; an act to require the Secretary of State to procure and distribute to the new counties in this State, the weights and measures now established by law; an act to permit administrators, &c. to rent real estate, and for other purposes; an act to repeal in part an act approved December 17, 1823; an act to allow the Sheriff of Walker county compensation for making return of the Senatorial election; an act to incorporate the town of Dudleyville; an act to repeal in part an act approved December 23, 1836; an act to incorporate the Wetumpka Insurance and Trust Company of the State of Alabama; and, joint resolutions to provide for printing the annual report of the Trustees of the University of Alabama and the accompanying documents, were severally read the third time and passed: Ordered that their titles be as aforesaid, and that they be sent to the Senate for their concurrence.

and then the House adjourned until 3 o'clock, P. M.

*Afternoon Session, January 31.*—Mr. McClanahan of S., from the committee on enrolled bills, reported as correctly enrolled—An act to abolish imprisonment for debt; an act making appropriations for the payment of the members and officers of the present General Assembly, and for other purposes.

Mr. Mason from the committee on enrolled bills reported as correctly enrolled—an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Montgomery to levy a county tax; an act concerning the corporation of the town of Moulton, in the county of Lawrence. an act to raise a revenue for the county of Randolph; an act to authorize the taking of depositions of counsellors and attorneys; an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Fayette to levy a special tax; an act to repeal in part and amend the militia laws of the State; an act to amend an act entitled an act to appropriate a certain sum for the completion of the Muscle Shoals canal; and an act to incorporate the town of Syllacauga, in Talladega county.

Mr. Weissinger, from the committee on accounts, to which was referred the bill and proposed amendment providing for certain claims against the State, reported the bill with an amendment for the substitute referred—in which the House concurred. Mr. Porter moved to amend the bill by providing for the payment to Mr. D. J. Slade of the sum of two hundred dollars—which was carried. Mr. McClanahan of m. moved to amend by an additional section—which was carried. Mr. Weissinger moved to amend by providing for the payment of twelve dollars and twenty-five cents to Joseph Green; which was carried, and the bill ordered to be engrossed for a third reading, and made the special order of the day for to-morrow.

Ordered that leave of absence be granted to Mr. Crayton for the remainder of the session.

The bill to authorize Ward Taylor and his associates to construct a certain road herein after designated, was read the second time; and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, and read the third time and passed: Ordered that the title be as aforesaid, and that the same be sent to the Senate for its concurrence.

Ordered that all bills passed be forthwith sent to the Senate for its concurrence.

The House resumed the consideration of the bill from the Senate entitled an act to



develope and improve the internal resources of the State of Alabama. Mr. Phillips moved to amend the bill by way of proviso. Mr. Payne moved to postpone the further consideration of the bill until the second day of February next; which was carried—yeas 52, nays 31.

The yeas and nays being desired, those who voted in the affirmative, are messrs. Bates Bolling Boston Carmack Creagh Crenshaw Douglass Earle Ellis Finley Garner Hall Hancock Harrison Henderson High Hollis Holly Jones of C. Lindsay Martin mcAllister mcAlpin of G. mcAlpin of m. mcKnight mcMillian Mills Mitchell Morris Morrow Moore of mad. Murphy Payne Philpot Priest Rutherford Searcy Simmons Smith of m. Taylor of F. Taylor of m. Vining Walker Warren Williams of J. Williams of T. Wilson Withers Wynn and Young.

Those who voted in the negative, are messrs Speaker Abercrombie Andress Baldwin Baker Blassingame Burke Clifton of D. Cook of L. Crawford Godbold Golding Hammond Hilliard Hogg Jones of B. Kennedy Lipscomb Mason mcClannahan of S. Moore of mar. Moore of w. Peters Phillips Porter Rogan Shields Shorridge Tarver Weissinger and Wright.

The House resumed the consideration of the report of the committee of conference appointed on the disagreement of the two Houses to the Senate, amendment to the bill entitled an act to apportion the representatives among the several counties in this State and to divide the State into senatorial districts, according to the late census: mr Priest moved the previous question which was sustained. So the House decided that the main question be now put: the main question “shall the report of the committee of conference be concurred in?” was decided in the affirmative. Yeas 51, nays 28.

The yeas and nays being demanded those who voted in the affirmative are, messrs Andress Baldwin Baker Bates Blassingame Bolling Burke Clifton of c. Cook of L. Crawford Creagh Ellis Garner Godbold Golding Hammond Hampton Harrison Henderson Jones of c. Lipscomb Martin McAllister McAlpin of G. McAlpin of m. McClanahan of s. McConnell McKnight Morris Moore of mar. Moore of w. Murphy Payne Peters Phillips Porter Priest Searcy Shields Shorridge Simmons Smith of D. Smith of m. Sommers Taylor of m. Vining Walker Warren Weissinger Williams of r. Wright and Young.

Those who voted in the negative are, messrs Speaker Abercrombie Boston Carmack Crenshaw Douglass Earle Hancock High Hogg Hollis Jones of B. Kennedy Mason McClanahan of m. Mcmillan Mills Mitchell Morrow Moore of mad. Philpot Rogan Rutherford Taylor of F. Williams of J. Wilson and Wynn.

Ordered, that the clerk acquaint the Senate therewith.

A message was received from the Senate by mr Childress, their assistant secretary—Mr Speaker: The Senate has passed bills which originated in the House of Representatives of the following titles: An act for the relief of Sarah Sallis: an act to divorce Sarah Harman from her husband Joel Harman: an act to authorize James Herndon to peddle in the county of Marshall: an act to change the name of a certain person therein named and for other purposes: an act to incorporate a rail road company from the town of Greensboro to the town of Marion in Perry county: an act for the relief of sureties in certain cases and have amended the same as therein shewn: an act to amend judicial proceedings at common law in regard to suits against copartners, and have amended the same as therein shewn: an act to legalize the proceedings of the commissioners appointed by an act entitled an act to locate the seat of justice for Cherokee county, and for other purposes, passed at the called session of the General Assembly of the State of Alabama, in the year 1837: an act to repeal in part and amend an act entitled an act to amend the laws in force in relation to retailers of spirituous liquors approved 23d December, 1837: and, an act for the support of paupers in the county of De Kalb.

A message was received from his Excellency the Governor, by mr Gooch, his private secretary—Mr Speaker: His Excellency, the Governor, on this day approved and signed bills from the House of Representatives, having the titles following: An act for the benefit of the sixteenth sections of this State: an act to alter and amend the charter of the city of Mobile: an act to alter and

amend the seventh section of an act to be entitled an act to amend and consolidate the laws on the subject of public roads, approved the 23d December, 1836, so far as regards the county of Covington: an act to authorize the sale of slaves in the town of Demopolis: an act to alter the mode of assessing and collecting the county tax in the county of Butler, and for other purposes: an act to change the time of holding the county courts in Macon county: and an act to incorporate the Grant's Creek Academy, in the county of Tuscaloosa.

A message was received from the Senate, by Mr Withers, their secretary—Mr Speaker: The Senate have concurred in the amendments recommended by the committee of conference on the apportionment bill.

The bill to amend judicial proceedings at common law in regard to suits against copartners, as amended by the Senate, was read, and the amendments concurred in.

The bill for the relief of sureties in certain cases, as amended by the Senate, was read, and the amendments concurred in.

The bill to consolidate suits in this State, was read the second time and referred to a select committee, consisting of messrs Lipscomb, McAlpin of m. and Porter.

The bill to alter and amend the laws in relation to duelling, and for other purposes therein named, was read the second time and laid on the table.

A message was received from the Senate, by Mr Childress their assistant secretary—Mr Speaker: The Senate have passed a bill which originated in the House of Representatives, to wit: An act to better enable the president and directors of the Bank of the State of Alabama and its several branches, to secure the debts due said Banks, and have amended the same as therein shewn. And then the house adjourned until 7 o'clock, P. M.

*Night Session, January 31st, 1839.*—Ordered, that the Senate be now invited into the hall of the House of Representatives, for the purpose of going into the elections for sundry officers as agreed upon by a resolution of the two houses. The Senate then assembled in the hall of the House of Representatives and were seated. The two houses then proceeded to the election of a Judge of the sixth judicial circuit. Messrs H. W. Hilliard, Nathan Cook, and John P. Booth, being in nomination.

Those who voted for Mr Hilliard, are messrs Dent King McVay Mays Simmons and Watrous, of the Senate—messrs Speaker Address Baldwin Baker Burke Crawford Hall Hampton Hogg Jones of P. Kennedy Lindsey McClannahan of s. Mills Mitchell Moore of mad. Moore of mar. Peters Porter Priest Rutherford Shortridge Walker Williams of T. and Withers of the House of Representatives—31.

Those who voted for Mr Cook, are messrs President Doveaux Hill Hudson Lloyd McClellan Ross Riddle and Ward of the Senate—messrs Abercrombie Bates Cook of L. Creagh Crenshaw Earle Esselman Hollis Jones of B. McAlpin of G. McAlpin of m. McClannahan of m. Meade Morris Moore of w. Sommers Tarver Vining and Young, of the House of Representatives—28.

Those who voted for Mr Booth, are messrs Baylor Farrar Frazier Lea Rains Rogers Terry Toulmin Wellborn and Wilson, of the Senate—messrs Blassingame Bolling Boston Carmack Clifton of C. Clifton of D. Douglass Finley Gurner Godbold Golding Hammond Hancock High Holly Lipscomb Martin Mason McConnell McKnight Morrow Murphy Payne Phillips Rogan Shields Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Warren Weissinger Williams of J. Wilson Wright and Wynn of the House of Representatives—43.

Neither having received a majority of the whole number of votes given, the two houses proceeded to vote a second time.

Those who voted for Mr Hilliard, are messrs Dent King McVay Mays Simmons and Watrous of the Senate—messrs Speaker Baldwin Baker Burke Crawford Earle Hampton Hogg Jones of P. Kennedy Lindsay McClannahan of s. Mills Mitchell Moore of mad. Moore of mar. Peters Porter Rutherford Shortridge Walker Williams of T. and Withers of the House of Representatives—29.

Those who voted for Mr Cook, are messrs President Doveaux Hill Hudson McClellan Ross Riddle and Ward of the Senate—messrs Abercrombie Address Bates Cook of L. Creagh Crenshaw Ellis Esselman Hollis Jones of B. McAlpin of G. McAlpin of m. McClannahan of m. Morris Moore of w. Sommers Tarver Vining and Young, of the House of Representatives—23.

Those who voted for mr Booth, are messrs Farrar Frazier Lea Lloyd Rice Rogers Terry and Toulmin of the Senate—messrs Blassingame Bolling Boston Carmack Clifton of c. Clifton of D. Finley Garner Godbold Golding Hall Hammond Hancock High Holly Lipscomb Martin Mason McAllister McConnell McKnight Morrow Murphy Payne Phillips Philpot Priest Rogan Shields Simmons Smith of d. Smith of m. Taylor of F. Taylor of m. Warren Weissinger Williams of J. Wilson Wright and Wynn of the House of Representatives—52.

Neither having received a majority of the whole number of votes given, the two houses proceeded to vote the third time.

Those who voted for mr Hilliard, are messrs Dent King McVay Mays Simmons and Watrous of the Senate—messrs Speaker Baker Baldwin Burke Crawford Earle Hampton Hogg Jones of P. Kennedy Lindsay McClannahan of s. Mills Mitchell Moore of mad. Moore of mar. Peters Porter Rutherford Shortridge Walker Williams of T. and Withers of the House of Representatives—29.

Those who voted for mr Cook, are messrs President Devereaux Hill Hudson McClellan Ross Riddle and Ward of the Senate—messrs Abercrombie Andress Bates Cook of L. Creagh Crenshaw Ellis Esselman Hollis Jones of B. McAlpin of G. McAlpin of m. McClannahan of m. Meade Morris Moore of w. Sommers Tarver Vining and Young of the House of Representatives—28.

Those who voted for mr Booth, are messrs Farrar Frazier Lea Lloyd Rice Rains Rogers Terry Toulmin Wellborn and Wilson of the Senate—messrs Blassingame Bolling Boston Carmack Clifton of c. Clifton of D. Douglass Finley Garner Godbold Golding Hall Hampton Hancock High Hollis Lipscomb Martin Mason McAlister McConnell McKnight Morrow Murphy Payne Phillips Philpot Rogan Shields Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Warren Weissinger Williams of J. Wilson Wright and Wynn, of the House of Representatives—51.

Neither having received a majority of all the votes given, the two houses proceeded to vote a fourth time.

Those who voted for mr Hilliard, are messrs Dent King McVay Mays Simmons and Watrous of the Senate—messrs Speaker Baldwin Baker Burke Crawford Hampton Hogg Jones of P. Kennedy Lindsay McClannahan of s. Mills Mitchell Moore of mad. Moore of mar. Peters Porter Rutherford Shortridge Walker Williams of T. and Withers of the House of Representatives—23.

Those who voted for mr Cook, are messrs President Devereaux Hill Hudson McClellan Ross Rains Riddle and Ward of the Senate—messrs Abercrombie Andress Bates Cook of L. Creagh Crenshaw Earle Ellis Esselman Hollis Jones of B. McAlpin of G. McAlpin of m. McClannahan of m. Meade Morris Moore of w. Sommers Tarver Vining and Young, of the House of Representatives—30.

Those who voted for mr Booth, are messrs Farrar Frazier Lea Lloyd Rice Rogers Terry Toulmin Wellborn and Wilson of the Senate—messrs Blassingame Bolling Boston Carmack Clifton of c. Clifton of D. Douglass Finley Garner Godbold Golding Hall Hammond Hancock High Holly Lipscomb Martin Mason McAllister McConnell McKnight Morrow Murphy Payne Phillips Philpot Rogan Shields Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Warren Weissinger Williams of J. Wright and Wynn of the House of Representatives—50.

Neither having received a majority of all the votes given, the two houses proceeded to vote a fifth time.

Those who voted for mr Hilliard, are messrs Dent King Mays and Simmons of the Senate—messrs Baldwin Baker Burke Crawford Hampton Jones of P. Kennedy Mills Mitchell Moore of mad. Moore of mar. Porter Rutherford Shortridge Walker Williams of J. and Wright of the House of Representatives—21.

Those who voted for mr Cook, are messrs President Devereaux Hill Hudson McClellan McVay Ross Rains Riddle Ward and Watrous of the Senate—messrs Speaker Abercrombie Andress Cook of L. Creagh Crenshaw Earle Ellis Esselman Hogg Hollis Jones of B. Lindsay McAlpin of G. McAlpin of m. McClannahan of m. McClannahan of s. Meade Morris Moore of w. Peters Priest Sommers Tarver Vining and Young of the House of Representatives—38.

Those who voted for mr Booth, are messrs Farrar Frazier Lea Lloyd Rice Rogers Terry Toulmin Wellborn and Wilson of the Senate—messrs Blassingame Bolling Boston Carmack Clifton of c. Clifton of D. Douglass Finley Garner Godbold Golding Hall Hammond Hancock High Holly Lipscomb Martin Mason McAllister McConnell McKnight Morrow Murphy Payne Phillips Philpot Rogan Shields Simmons Smith of D. Smith of m. Warren Weissinger Williams of J. Wilson Wright and Wynn of the House of Representatives—

Neither having received a majority of all the votes given, the two house proceeded to vote a sixth time. The name of mr Hilliard having been withdrawn.

Those who voted for mr Cook, are messrs President Devereaux Hill Hudson King McVay Mays Ross Rains Riddle Simmons Ward and Watrous of the Senate—messrs. Speaker Abercrombie Andress Baldwin Baker Bates Cook of L. Crawford Creagh Crenshaw Earle Ellis Esselman Hampton Hogg Hollis Jones of B. Jones of P. Kennedy Lindsey McAlpin of G. McAlpin of m. McClannahan of m. McClannahan of s. Meade Mills Moore of mad. Moore of mar. Moore of w. Peters Priest Sommers Tarver Vining Walker and Young of the House of Representatives—49.

Those who voted for mr Booth, are messrs Farrar Frazier Lea Lloyd Rice Rogers Terry Toulmin Wellborn and Wilson of the Senate—messrs Blassingame Bolling Boston Carmack Clifton of c. Clifton of D. Douglass Finley Garner Godbold Golding Hall Hammond Hancock High Holly Lipscomb mar-

tin Mason McAllister McConnel McKnight Mills Morrow Murphy Payne Phillips Philpot Porter Rogan Rutherford Shields Shortridge Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Warren Weissinger Williams of J. Williams of T. Wilson Withers Wright and Wynn of the House of Representatives—56.

Mr Booth having received a majority of all the votes given, mr Speaker declared him duly elected judge of the sixth judicial circuit of the State of Alabama.

The two houses next proceeded to the election of a judge of the city court of the city of Wetumpka. messrs Allen McWhorter and J. T. Beecher being nomination.

Those who voted for mr McWhorter, are messrs President Dent Farrar Hill Hudson King Lea Lloyd McClellan Mays Ross Rice Rains Riddle Simmons Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate—messrs Speaker Baker Bates Bolling Boston Carmack Clifton of c. Cook of L. Creagh Crenshaw Douglass Ellis Esselman Finley Godbold Golding Hall Hammond Hancock High Jones of B. Jones of c. Jones of P. Kennedy Lindsay Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of s. McConnel McKnight Mills Mitchell Morris Morrow Moore of mad. Moore of w. Murphy Payne Peters Phillips Philpot Priest Rogan Rutherford Shields Shortridge Smith of D. Smith of m. Sommers Taylor of F. Vining Warren Williams of J. Williams of T. Wilson Withers and Wynn of the House of Representatives—84.

Those who voted for mr Beecher are messrs Frazier McVay of the Senate—messrs Garner Hogg Holly Moore of mar. and Simmons of the House of Representatives—7.

Mr McWhorter having received a majority of the whole number of votes given, mr Speaker declared him duly elected judge of the city court of the city of Wetumpka.

The two houses next proceeded to the election of three commissioners for the improvement of the navigation of the Choctaw Hatchee river. messrs. A. Justice, B. Walden, J. M. Long and J. Pate being in nomination. For mr Justice 63; mr Long 77; mr Pate 23; and for mr Walden 66. messrs Justice, Long and Walden, having received a majority of the whole number of votes given, mr Speaker declared them duly elected commissioners for the improvement of the Choctaw Hatchee river.

The two houses next proceeded to the election of one member for the board of the Coosa river commissioners. messrs John Lindsey and M. G. Rion being in nomination.

Those who voted for mr Lindsey are, messrs. Dent Devereaux Farrar Frazier Hill Lloyd Ross Rice Riddle Simmons Terry Toulmin Ward Watrous and Wilson of the Senate; messrs Speaker Andrews Baker Bolling Creagh Crenshaw Douglass Ellis Garner Finley Godbold Golding Hancock Jones of B. Jones of c. Jones of P. Kennedy Lindsay Lipscomb Martin Mason McAlpin of G. McAlpin of m. McClanahan of m. Mills Morrow Moore of mad. Moore of mar. Murphy Payne Peters Philpot Priest Rogan Shields Shortridge Smith of D. Smith of m. Taylor of F. Warren Williams of J. and Wilson of the house of Representatives—57.

Those who voted for mr Rion, are messrs Hudson King Lea McClellan McVay Rains and Rogers of the senate; messrs. Bates Clifton of c. Hall Hammond Hogg McClanahan of s. McConnell McKnight Mitchell Morris and Withers of the House of Representatives—13.

Mr Lindsey having received a majority of the whole number of votes given, mr Speaker declared him duly elected a member of the Board of Coosa river commissioners.

The Senate then withdrew, and the House adjourned until half past nine o'clock, to-morrow.

*Friday, February, 1st, 1839.*—Mr Lipscomb, from the select committee, to which was referred a bill to be entitled an act to authorize a toll bridge to be built over the Warrior river, reported the same back to the house with an amendment, and request the adoption of the same, in which report the House concurred. Mr Williams of T. moved to lay the report and bill on the table, which was carried.

Mr Young, from the committee on the judiciary, to which was referred a bill to be entitled an act to regulate the duties of witnesses and clerks of the county, and circuit courts of this State, reported the same back to the house, and that it is inexpedient to pass the bill, in which report the house concurred.

A message was received from the Senate by mr Childress their assistant secretary—Mr Speaker: The Senate have passed bills which originated in the house of Representatives, of the following titles: An act to incorporate the town of Fairfield, in Pickens county: an act to extend the powers of the courts of roads and revenue of the several counties in this State: an act to exempt the fire wardens of the city of Mobile from serving on the jury: an act to incorporate the town of Marshall in the county of Marshall: an act to provide for holding the fall terms of the circuits courts of the first circuit: an act for the compensation of tales jurors in the county of Monroe: an act to divorce Thomas B. Ballard

from his wife Nancy Ballard: an act to divorce Eliza McLaughlin from her husband Peter McLaughlin: an act to divorce Nancy Patterson from her husband Edmund Patterson: an act to incorporate the town of Warrenton, and have amended the same as therein shewn: an act to divorce Early A. Brown from his wife Elizabeth Brown: an act to provide for building a court house and jail in the county of St. Clair: an act to incorporate the town of Dudleyville.

The bill to be entitled an act to better enable the president and directors of the Bank of the State of Alabama and its several branches to secure the debts due said banks as amended by the Senate was read. Mr Moore of mad. moved that the house disagree to the amendments made by the Senate. Mr Taylor of F. moved the previous question, which was sustained. So the House decided that the main question be now put. The main question, 'Will the house disagree to the first amendment made by the Senate?' was decided in the negative. Yeas 29, nays 40.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker Bald-  
Eaker Blassingame Bolling Booth Carmack Douglass Ellis Esselman Finley Godbold Hall Hampton  
High Hilliard Jones of P. Lindsey Mason Morrow Moore of mad. Porter Priest Shields Shortridge  
Taylor of m. Vining Walker Weissinger and Wilson.

Those who voted in the negative are, messrs. Andress Burke Clifton of c. Crawford Creagh Cren-  
shaw Earle Garner Golding Hammond Hancock Harrison Hollis Jones of c. Kennedy Lipscomb Mc-  
Allister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of s. McConnell McKnight Mc-  
Million Meade Morris Moore of mar. Moore of w. Murphy Phillips Rogan Rutherford Searcy Smith of  
D. Smith of m. Sommers Tarver Taylor of F. Warren Williams of T. and Young.

The amendment was then concurred. Mr Sommers moved to reconsider the vote just taken, which was lost. The question then recurred on agreeing to the second amendment made by the Senate, and was carried. The question finally recurred on agreeing to the third amendment made by the Senate, which was carried.

A message was received from the Senate by Mr Childress, their assistant Secretary, Mr Speaker, the Senate have passed bills which originated in the Senate, of the following titles:—an act to amend and revive an act entitled an act to incorporate the Mobile and Tennessee Railroad Company, approved January 4, 1836: an act to alter and amend the charter of the Bank of the State of Alabama and its several Branches, in which they ask the concurrence of your honorable body. They have also passed bills which originated in the House of Representatives, of the following titles:—an act to change the perquisites of the office of the judge of the county court of Dallas county into a stated salary: an act to define the compensation to be allowed to the clerks and sheriffs for ex officio services performed by them in the county of Henry: an act to authorize the judge of the county court and commissioners of roads and revenue to levy a special tax for the building of a jail in the county of Henry.

The bill to be entitled an act to incorporate the town of Warrenton as amended by the Senate, was read and the amendments concurred in.

The bill from the Senate to be entitled an act to amend and revive an act entitled an act to incorporate the Mobile and Tennessee Railroad Company, approved January 4th, 1836, was read: Mr McConnell moved to lay the bill on the table, which was carried.

Mr Mason from the committee on enrolled bills reported as correctly enrolled—  
an act to suppress the evil practice of carrying weapons secretly: an act to authorize David Caulfield to establish a public ferry at the Cedar Bluff on the Tennessee river in the county of Jackson: an act to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts according to the late census: an act to form an additional re-

giment in the county of De Kalb : an act to raise a revenue for the county of Dale, and regulate the compensation allowed to clerks and sheriffs of said county for ex officio services : an act to incorporate the town of Cussetah, in the county of chambers : an act to authorize the judge of the county court and commissioners of roads and revenue of Russell county, to levy a special tax for county purposes : an act to increase the pay of Jurors in the county of Jackson : an act to amend the law upon the probate of deeds ; and an act for the support of paupers in the county of Wilcox.

Mr Martin from the select committee to which was referred a bill to be entitled an act making appropriation out of the nett proceeds of the three per cent fund for the purpose of clearing out a road therein named, reported that they have amended the same by adding an additional section as therein shewn, which report was laid on the table.

Mr Phillips from the committee on the Judiciary to which was referred a bill to be entitled an act to authorize guardians of minors idiots and lunatics to receive and remove from this State, &c. reported the same with an amendment and recommended its passage ; the bill was read the second time and the constitutional rule requiring bills to be read on three several days, being dispensed with, the bill was considered as engrossed and read the third time and passed : ordered that the clerk acquaint the Senate therewith.

Mr McClannahan of S., from the committee on enrolled bills reported as correctly enrolled :—an act to incorporate Liberty Academy in the county of Pickens ; also an act to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Coosa river, and for other purposes ; also an act to repeal in part and amend an act entitled an act to amend the laws in force in relation to retailers of spiritious liquors, approved 23d December, 1837.

Mr Morris from the select committee to which was referred the bill from the Senate to incorporate the Wetumpka insurance and trust company, of the State of Alabama reported the same with sundry amendments : mr Smith of mad., moved to lay the bill on the table which was carried. Yeas 45, nays 23.

The yeas and nays being demanded, those who voted in the affirmative are messrs Speaker Baldwin Bates Blassingame Carmack Clifton of c. Douglass Earle Ellis Esselman Finley Hammond Hancock Harrison High Hollis Jones of P. Kennedy Lindsey Mason McAlpin of G. McClanahan of m. McMillian Meade Mitchell Morrow Moore of mad. Moore of W. Philpot Priest Searcy Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Walker Weissinger Williams of J. Williams of T. Wilson Wright Wynn and Young.

Those who voted in the negative are messrs. Baker Bolling Booth Creagh Crenshaw Godbold Hall Hampton Hilliard Hogg Jones of B. Lipscomb McAlpin of m. McClanahan of S. McConnell Morris Moore of mar. Payne Peters Phillips Porter Shields and Warren.

Mr Baldwin introduced a bill to aid internal improvements in this State, which was read and the question having been taken on ordering it to a second reading, it was decided in the negative. Yeas 13, nays 48.

The yeas and nays being demanded, those who vote in the affirmative are messrs Abercrombie Baldwin Baker Hall Hampton Hilliard Lipscomb McAlpin of G. Moore of mar. Payne Philips Shields and Shortridge.

Those who voted in the negative are messrs Bates Blassingame Bolling Booth Carmack Clifton of C. Creagh Crenshaw Douglass Earle Ellis Garner Hammond Hancock High Hollis Jones of B. Jones of P. Kennedy Lindsey Mason McAlpin of m. McClanahan of m. McClannahan of S. McMillian Meade Mills Mitchell Morris Morrow Moore of mad. Peters Philpot Priest Rutherford Searcy Smith of m. Taylor of F. Taylor of m. Vining Walker Warren Williams of J. Williams of T. Wilson Wynn and Young.

The bill from the Senate to alter and amend the charter of the Bank of the State of Alabama and its several Branches, was read and the constitutional rule requiring bills to be read on three several days, having been dispensed with was read the second time and referred to a select committee consisting of messrs. Moore of mad., Phillips, and Shields.

Engrossed bill entitled an act making appropriation for the payment of certain claims against the State, was read the third time and passed : ordered that the title be as above and that the same be sent to the Senate for its concurrence.

The bill to prohibit unlawful banking associations and for other purposes, was read the third time : mr Shields moved to amend by way of engrossed ryder as follows :—

Sec. — *And be it further enacted*, That from and after the passage of this act it shall not be lawful for the State Bank or any Branch thereof, to make or issue any bill or note of any denomination under five dollars and after the first day of January, eighteen hundred and forty, any bill or note under the denomination of ten dollars, and after the first day of January, eighteen hundred and forty-one, any bill or note under the denomination of twenty dollars ; and it shall be the duty of the president and directors of each of said Banks, after the first day of January, eighteen hundred and forty, when required, to pay at least one fourth part of the demands that may be made specie, in gold coins ; and after the first day of January, eighteen hundred and forty-one, to pay one half of said demands whenever required, in gold coins.

Sec. — *And be it further enacted*, That the following shall be and is hereby proposed, as an amendment to the charters of the Banks of Mobile, and of the Planter's and Merchant's Bank in the city of Mobile, to wit:—the Bank of Mobile, and the Planter's and Merchant's Bank, shall be subject to such limitations and regulations in regard to the different denominations of notes or bills which said Banks are authorized to issue as the legislature may impose upon the Banks of the State of Alabama and its several Branches, and it shall be the duty of the Governor to ascertain at as early a period as practicable, whether the stockholders in either of said Banks will accept the same, and communicate such information as he may obtain to the next General Assembly.

Sec. — *And be it further enacted*, That it shall not be lawful for any person to pass off or offer in payment any notes, bills, bonds, checks, tickets or any description of paper whatever, under the denomination of five dollars, designed for circulation, which may have been made or issued or which may purport to have been made or issued by any person or persons, bank, company or association not within the limits of this State, nor shall it be lawful for any person to pass off or offer in payment, any such notes or bills under the denomination of ten dollars after the first day of January, eighteen hundred and forty, nor such notes or bills under the denomination of twenty dollars, after the first day of January, eighteen hundred and forty-one, and any person so offending shall be deemed guilty of a misdemeanor and be subject to the penalties provided in the first section of this act.

Mr Hall moved to amend the amendment by way of proviso, as follows, “*Provided*, That this act shall not take effect until the first day of September next.” mr Carnack moved the previous question, which was sustained : the main question “shall the bill pass ?” was decided in the affirmative. Yeas 57, nays 4.

The yeas and nays being demanded, those who voted in the affirmative are, messrs Speaker Abercrombie Baldwin Bates Bolling Booth Carnack Clifton of c. Creagh Crenshaw Douglass Earle Ellis Finley Garner Hall Hammond Hancock Harrison Jones of B. Lindsey Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of S. McConnell McKnight McMillion Meade Mills Mitchell Morris Morrow Moore of mad. Moore of W. Murphy Philpot Rogan Rutherford Searcy Sherridge Smith of D. Smith of m. Taylor of F. Taylor of M. Vining Warren Williams of J. Williams of T. Wilson Wynn and Young.

Those who voted in the negative, are messrs. Jones of P. Kennedy Moore of mar. Payne and Phillips.

Ordered that the Clerk acquaint the Senate therewith.

A message from the Senate by mr Childress, their assistant Secretary, mr Speaker, the Senate has passed a bill from the House of Representatives, entitled an act making appropriation for the year 1839, and has amended the same as therein shewn : the amendment of the Senate was concurred in : ordered that the clerk acquaint the Senate therewith.

Mr McClannahan of S., from the committee on enrolled bills, reported as correctly enrolled—an act to legalize the proceedings of the commissioners appointed by an act entitled an act to locate the seat of justice of Cherokee county and for other purposes, passed at the called session of the General Assembly of the State of Alabama, in the year 1837, approved June 24th, 1837 : an act to incorporate the Greensborough Cavalry Company ; an act to divorce Thomas B. Ballard from his wife Nancy Ballard ; an act to authorize James Herndon to peddle in the county of Marshall ; an act to change the name of certain persons



therein named, and for other purposes : an act for the compensation of tales jurors in the county of Monroe ; an act for the relief of Sarah Sallis ; an act to divorce Sarah Harman from her husband Joel Harman.

Mr Mason from the committee on enrolled bills, reported as correctly enrolled—an act to amend the acts now in force relating to the taking of depositions ; an act for the relief of the sufferers by reason of the late Creek Indian depredations ; an act to authorize the judge of the county court of Lawrence county to appoint a coroner for said county in certain cases ; an act to incorporate Franklin Academy in the county of De Kalb ; an act to exempt the fire wardens from serving on the jury ; and an act for the relief of Phillip H. Lacy.

The joint resolutions from the Senate on the subject of complaint by the State of Georgia, against the State of Maine, were read and adopted ; ordered that the clerk acquaint the Senate therewith, and request its concurrence ; on motion of Mr. McConnell, *Resolved*, That the clerk of this house be directed to deposit in the Bank of the State of Alabama, all the documents and exhibits communicated to the house by the commissioners appointed to examine the State Bank and Branches, of the indebtedness of the individuals of this State, to said banks, taking the certificate of the cashier of said bank therefor.

The bill concerning the sale of ardent spirits, and to prevent the collection by law, of all debts contracted in the purchase thereof, in this State, was read the second time and laid on the table.

The bill to incorporate Somerville Academy in the county of Russell, was read the second time and ordered to be engrossed for a third reading.

The bill to incorporate the city of Alabama and Montgomery Railroad Company approved 25th December, 1836, was read the second time, and laid on the table.

The bill to incorporate the trading and importing company of Alabama, was read the second time and the constitutional rule requiring bills to be read on three several days, having been dispensed with, the bill was read the third time and passed ; ordered that the clerk acquaint the Senate therewith, and ask its concurrence.

An act for the improvement of the navigation of the Alabama River, was referred to a select committee consisting of messrs. Shields, Moore of Madison, Morris, Baldwin and Bolling.

A message was received from the Senate by Mr Childress, their assistant secretary, Mr Speaker, the Senate have passed a bill which originated in the house of Representatives of the following title :—an act for the payment of Captain J. Pates' company of mounted volunteers and for other purposes ; and have amended the same as therein shewn.

The bill for the payment of Captain J. Pates' company of mounted volunteers as amended by the Senate was read ; Mr Warren moved to disagree to the amendment made by the Senate, which was carried ; ordered that the clerk acquaint the Senate therewith forthwith.

The bill to be entitled an act to authorize Jonathan Evans and his associates to turnpike a road and for other purposes, was read and laid on the table.

The bill to be entitled an act for the relief of John Biddle of Madison county was read the second time and the constitutional rule requiring bills to be read on three several days, being dispensed with the bill was read the third time and passed : ordered that the title be as aforesaid and that the same be sent to the Senate for its concurrence.

The bill to divorce Winnifred C. Jemison from her husband John Jemison was

read the second time, and the constitutional rule requiring bills to be read on three several days, being dispensed with, the bill was considered as engrossed, read the third time and passed by a constitutional majority : ordered that the title be “an act” as aforesaid, and that the same be sent to the Senate for its concurrence.

The bill to be entitled an act for the relief of Charles T. W. Miller, was read the second time, and ordered to be engrossed for a third reading.

The bill for the relief of the purchasers of the sixteenth section in the county of chambers was read and laid on the table.

The bill for the relief of certain persons therein named, was read and laid on the table.

Mr McClannahan of S., from the committee on enrolled bills reported as correctly enrolled—an act for the protection of the Muscle Shoals’ canal ; an act to authorize the judge of the county court and commissioners of roads and revenue of Morgan county, to levy a tax for the purpose therein named : an act for the relief of Harriet Pilate : an act to incorporate the town of Mooresville, in the county of Limestone.

The bill to compensate branch pilots in the city of Mobile was read the second time and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read the the third time and passed : ordered that the title be as above, and that the same be sent to the Senate for concurrence.

The bill to promote the culture of silk, was read and laid on the table.

The bill to amend the laws now in force in relation to the harbour of Mobile was read the second time and the constitutional rule being dispensed with, requiring bills to be read on three several days, the bill was read the third time and passed.

The bill from the Senate to regulate the time of holding the circuit courts in the sixth judicial circuit being under consideration : mr Crenshaw moved to amend by striking out all after the word “days” in the 9th line and insert a substitute, which was carried : the bill as amended was then read a second time and the constitutional rule requiring bills to be read on three several days, being dispensed with, the bill was read a third time and passed : ordered that the clerk acquaint the Senate therewith, and ask its concurrence.

Mr McConnell from the select committee to which was referred a bill to be entitled an act to authorize M. Chandler and W. Blythe to turnpike a road therein named, reported the same without amendment : the bill was then read the third time and passed : ordered that the clerk acquaint the Senate therewith.

The bill from the Senate concerning the revenue of Marshall and Jackson counties, was read the second time and the constitutional rule requiring bills to be read on three several days, being dispensed with, the bill was read the third time and passed : ordered that the clerk acquaint the Senate therewith.

The bill amendatory of the laws in relation to escheats was read the second time and ordered to a third reading.

The bill from the Senate to prescribe the duties of the Attorney General and for other purposes, was read : mr Earle moved to lay the bill on the table, which was carried. Yeas 33, nays 32.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Speaker Bates Carmack Clifton of C. Douglass Earle Ellis Garner Hammond Hampton Hancock Hollis Jones of P. Mason McAlpin of G. McAlpin of m. McClannahan of m. McKnight McMillion Meade Mills Mitchell Morris Moore of W. Murphey Peters Priest Rutherford Sommers Taylor of F. Williams of J. Wilson and Wynn.

Those who voted in the negative are, messrs. Baldwin Baker Blassingame Bolling Booth Creagh Crenshaw Godbold High Hilliard Jones of B. Kennedy Lipscomb martin mcAlister mcConnell moore of mad. Moore of mar. Payne Phillips Philpot Porter Shields Shortridge Smith of D. Smith of m. Walker Weisinger Williams of T. and Wright.

Mr Kennedy from the committee on enrolled bills reported as correctly enrolled :—an act to incorporate a Railroad company from the town of Greensborough to the town of Marion in Perry county ; and an act to declare Chockolokko creek a public highway from Davis' to Bagley's mills in the county of Talladega.

The bill from the Senate for the relief of H. B. Cameron, was read the second time and the constitutional rule, requiring bills to be read on three several days, being dispensed with, the bill was read the third time and passed : ordered that the clerk acquaint the Senate therewith.

Mr McConnell from the select committee to which was referred the joint memorial to Congress for certain purposes therein specified, reported the same back to the House, and recommended its passage, in which report the House concurred, the memorial was then read and adopted ; ordered that the clerk acquaint the Senate therewith forthwith.

Mr Hilliard from the committee on enrolled bills reported as correctly enrolled :—an act for the support of paupers for the county of De Kalb : an act for the relief of sureties in certain cases : an act to amend judicial proceedings at common law in regard to suits against copartners ; an act to define the compensation to be allowed to the clerks and sheriff for ex officio services performed by them in the county of Henry.

The bill for the relief of Levi Robins, was read the second time and the constitutional rule, requiring bills to be read on three several days, being dispensed with, the bill was read third time and passed ; ordered that the clerk acquaint the Senate therewith.

The bill to be entitled an act to attach a portion of the territory of Blount county to St. Clair county, was read and laid on the table.

The bill to incorporate the town of Pickensville in the county of Pickens, was read the second time, and the constitutional rule, requiring bills to be read on three several days, being dispensed with, the bill was read the third time and passed : ordered that the clerk acquaint the Senate therewith.

The bill from the Senate to amend an act limiting the number of auctioneers in the city of Mobile, and for other purposes. Mr Lipscomb moved to amend by an additional section, which was carried: the bill as amended was read the second time, and the constitutional rule requiring bills to be read on three several days, being dispensed with, the bill was read the third time and passed. Ordered that the clerk acquaint the Senate therewith.

The bill from the Senate to amend an act entitled an act to incorporate the Tallasee bridge company was read the second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. Ordered that the clerk acquaint the Senate therewith.

The bill from the Senate to authorize the Judge of the county court and commissioners of roads and revenue of Dallas county, to levy and collect an extra tax, was read the second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. Ordered that the clerk acquaint the Senate therewith.

The bill to authorize the Judge of the county court of Lawrence county to appoint a coroner in certain cases, was read and laid on the table.

The bill from the Senate to authorize the extension of the Tuscumbia, Courtland and Decatur rail road, and the bill to incorporate the Sipsey navigation company, were severally read the second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bills were read the third time and passed. Ordered that the clerk acquaint the Senate therewith.

Mr Payne offered the following protest, and requested it to be entered on the journals, to-wit: I desire to place upon the journals by way of protest, my reasons for voting against the bill to be entitled an act to prohibit unlawful banking associations, and for other purposes: 1st. My constituents are deeply interested in the successful operation of an institution sought to be reached by that bill, and from the clearest demonstration of public sentiment, I could but regard myself as instructed upon that subject. 2d. The law in part takes effect from and after the passage, hence it must necessarily be violated by many who are ignorant of its provisions. For these reasons I opposed the passage of the bill, and it is a matter of honest exultation with me, that I have faithfully carried out the wishes of those whose delegated authority I exercise; and it is also a matter of surprise and regret that some of those who professed to act with me upon that subject, should have avoided a vote upon the passage of the bill, and thus left me in so small a minority.

W. W. PAYNE.

Mr Lipscomb, from the select committee to which was referred a bill to consolidate suits, reported the same with sundry amendments, in which the House concurred, and the bill ordered to be engrossed for a third reading, and made the special order of the day for to-morrow.

The bill from the Senate entitled an act to provide for the payment of certain claims therein specified, was read the second time. Mr High moved to lay the bill on the table, which was lost. Yeas 26, Nays 36.

The yeas and nays being desired, those who voted in the affirmative are Messrs Earle Finley Hammond Hancock High Mason McMaster McClanahan of M. McClanahan of S. McMillion Mitchell Morris Morrow Moore of M. Moore of W. Phillips Philpot Priest Rogan Shields Sommers Taylor of F. Taylor of M. Weissinger Williams of J. and Wilson.

Those who voted in the negative are Messrs Speaker Andress Baldwin Baker Bates Blassingame Bolling Carnack Crawford Crough Crenshaw Douglass Ellis Garner Golding Hampton Hilliard Jones of B. Jones of C. Kennedy Lindsay Lipscomb McAlpin of G. McAlpin of M. McKnight Meade Mills Murphy Payne Porter Rutherford Smith of M. Williams of T. Withers Wynn and Young.

The bill was then rejected.

A message from the Senate by Mr Childress, their assistant Secretary. Mr Speaker, the Senate have passed bills which originated in the house of Representatives of the following titles: An act to incorporate the Prairie Bluff, Woodville and Greensborough rail road company, and have amended the same as therein shewn; an act for the better management of the State Bank and its several branches; an act to compensate the President and Directors of the Bank of the State of Alabama and its several branches, and have amended the same as therein shewn.

The House concurred in the several amendments made by the Senate as stated in the foregoing message. Ordered that the clerk acquaint the Senate herewith.

Mr Mason, from the committee on enrolled bills, reported as correctly enrolled, an act to divorce Eliza McLaughlin from her husband Peter McLaughlin; an act to divorce Nancy Patterson from her husband Edward Patterson; an act to divorce Early A. Brown from his wife Elizabeth Brown; an act to provide for building a court-house and jail in the county of St. Clair; an act to incorporate the town of Mardisville, in the county of Talladega.

Mr Shields, from the select committee to which was referred the bill entitled.

an act to improve the navigation of the Alabama, Cahawba, Tallapoosa, Tombecbee, Black Warrior, Conecuh and Paint rock rivers, reported the same with sundry amendments. Mr McClanahan of m. moved to lay the bill on the table, which was lost. The report of the committee was concurred in. Mr Lipscomb moved the previous question, which was sustained. Mr Wilson moved to postpone the further consideration of the bill till to-morrow, which was lost. Mr Payne moved to amend by an additional section, which was carried. Mr Douglass moved to amend by an additional section, which was carried. Mr McClanahan of m. moved to postpone the further consideration of the bill indefinitely, which was carried. Yeas 46, Nays 23.

The yeas and nays being demanded, those who voted in the affirmative are, messrs. Abercrombie Andress Blassingame Bolling Burke Cook of F. Creagh Earle Esselman Godbold Hall Hammond Hampton Hollis Jonesef B. Lindsay Lipscomb McAllister McAlpin of G. Clanahan of m. McKnight McMillion Meade Mitchell Morris Morrow Moore of W. Murphy Phillips Philpot Porter Priest Rogan Rutherford Smith of D. Smith of m Somners Taylor of F. Taylor of M. Walker Weissinger Williams of T. Withers Wynn and Young.

Those who voted in the negative are, messrs. Speaker Baldwin Baker Bates Carmack Clifton of c. Douglass Ellis Finley Garner Golding Hancock Jones of C. Jones of P. Kennedy Martin Mason Moore of mad. Moore of mar. Payne Shields Williams of J. and Wilson.

Mr Mason, from the committee on enrolled bills, reported as correctly enrolled, an act for the better management of the State Bank and its several branches; and an act making appropriations for the year 1839.

Mr Hilliard, from the same committee, reported as correctly enrolled, an act for the relief of William Erwin, of Perry county.

Mr Moore of mad. from the select committee to which was referred a bill from the Senate entitled an act to alter and amend the charter of the Bank of the State of Alabama and its several branches, reported the same with an amendment, in which the House concurred. Mr Lipscomb moved to amend the 6th section of the bill by inserting after 'discounters' the words 'or endorsers,' which was carried. Mr Smith of m. moved to amend the 5th section by adding thereto the words 'and no more,' which was carried, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed. Ordered that the clerk acquaint the Senate therewith and ask its concurrence.

Mr McMillion, from the committee on enrolled bills, reported as correctly enrolled, an act to provide for holding the fall terms of the circuit courts of the first circuit; an act to extend the powers of the courts of roads and revenue in the several counties in this State; an act to incorporate the town of Fairfield, in the county of Pickens; and an act to incorporate the town of Marshall, in the county of Marshall.

The house concurred in the amendment made by the Senate to the bill for the payment of certain claims growing out of the late Indian hostilities. Ordered that the clerk acquaint the Senate therewith.

Mr McMillion, from the committee on enrolled bills, reported as correctly enrolled; an act to better enable the President and Directors of the Bank of the State of Alabama and its several branches, to secure the debts due said banks.

Mr Hilliard, from the same committee, reported as correctly enrolled, an act to change the perquisites of the office of the Judge of the county court of Dallas county, into a stated salary; also, an act to authorize the Judge of the county court and commissioners of roads and revenue, to levy a special tax for the building of a jail in the county of Henry.

The bill from the Senate entitled an act to incorporate the Tusculumbia Female Seminary, was read the second time, and the constitutional rule requiring bills

to be read on three several days, having been dispensed with the bill, was read the third time and passed. Ordered that the clerk acquaint the Senate therewith.

And then the house adjourned till to-morrow at half past 9 o'clock.

*Saturday, Feb. 2.*—The House met pursuant to adjournment.

Mr Shields introduced a bill to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Tombeckbee river and for other purposes, which was read, and the constitutional rule requiring bills to be read on three several days having been dispensed with, the bill was read the second and third time and passed. Ordered that the title be as above, and that the same be sent to the Senate for concurrence.

Mr Young, from the judiciary committee to which was referred the memorial and petition of Mrs Tillinghast, reported that it is inexpedient to legislate on the subject, in which the House concurred.

Mr Searcy offered a resolution. Mr Shields moved to amend by adding after 'Alabama,' 'in general assembly convened,' carried. Mr Finley moved to amend by striking out all which relates to repairing the Capitol, carried, and the constitutional rule requiring bills and joint resolutions to be read on three several days having been dispensed with, the resolution was read the second and third time and passed. Ordered that the clerk acquaint the Senate therewith.

Mr. Morris from the committee on Indian affairs, to which was referred so much of the Governor's message as relates to expenditures on Indian affairs, asked to be discharged from the further consideration of the subject—which was granted.

The bill entitled an act making appropriations for the payment of certain claims against the State, as amended by the Senate, was read. Mr. Phillips moved to amend the amendment by an additional section—which was carried, and the amendment as amended was concurred in: Ordered that the clerk acquaint the Senate therewith, and ask its concurrence.

Mr. Moore of mad. offered the following resolution: Resolved that the reasons submitted by the member from Marengo for his dissent to the passage of the bill entitled 'an act to suppress unlawful banking associations, and for other purposes,' be spread upon the journals—which was adopted. Whereupon they were entered, as follows:

The undersigned avails himself of the constitutional privilege secured to "any member" of either House, to have the reasons of his dissent to "any act or resolution which he may think injurious to the public or an individual, entered on the journals," to record the following considerations as the reasons which influenced his course in relation to the bill entitled "An act to prohibit unlawful banking associations, and for other purposes:"

First—His constituents are largely interested in the successful operations of an institution which it is the design, and in all probability will be the effect, of said act to suppress.

Secondly—From this consideration and the numerous manifestations of public sentiment and feeling in regard to that institution, he has considered himself instructed to oppose the passage of any act which may be calculated to have that effect.

Thirdly—As a measure calculated to remove the radical causes of an unsound condition of the currency, he deems it to be *imperfect* and *insufficient*; whilst as a measure of liberty, it is founded upon principles of injustice and inequality; and in its effects can but greatly aggravate the heavy pecuniary embarrassments under which a large portion of the people, and particularly of those whom he has the honor in part to represent, are now severely suffering.

The undersigned is of the deliberate opinion, that no measure or system of measures can effect a thorough, and what may be justly regarded a constitutional and desirable reform in the currency, which recognizes as a part of our permanent policy the circulation of Bank notes of any description whatever, under the denomination of twenty dollars, or which is calculated to perpetuate a system of monopoly and exclusive privileges—such as is the system of incorporated banking at present existing, here and elsewhere; which cannot fail to result ultimately in the establishment amidst a community of freemen, of a privileged, aristocratic, moneyed order of men, at war with the fundamental principles and equal spirit of free government, and tending directly to the subjection of the many, to the dominion of the few. The present is a particularly auspicious and opportune period, for the commencement of a radical and wise reform of the Banking system and currency of the country. Public attention is awakened to the subject, and public opinion is ripe for action.

For his own views in regard to the policy to be adopted to effect a purpose so great and interesting,

he begs leave to refer to the different amendments proposed by him during the progress of the bill under consideration—which were in every instance cut off by the application of the Previous Question. He deems it due to himself, also, to add, that his amendments as to details were necessarily imperfect, for the want of sufficient time to mature them, in consequence of the great haste with which the bill was precipitated through the House.

Signed,

B. G. SHIELDS.

Mr. Lipscomb, for himself and others, offered the following, which was ordered to be spread on the journals:

On the passage of the bill to suppress the evil practice of carrying secret weapons, we voted in the negative—and ask leave to spread on the journals of the House, by way of Protest, our reasons for so doing. First—We believe that the Legislature has not the power under the constitution to pass the bill into a law. And although we are anxious to prevent by severe penalties the practice, we cannot, consistently with the oath we have taken to support the constitution, record our votes in favor of what appears to us to be a palpable infraction of that instrument. Secondly—That it will produce much litigation, without accomplishing the humane object designed.

Signed,

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|---------------------|------------------|-----------------|
| AENER S. LIPSCOMB,  | GEO. CREAGH,     | JOHN A. TARVER, |
| WILLIAM MASON,      | W. PAYNE,        | F. A. HANCOCK,  |
| E. YOUNG,           | DAVID MOORE,     | J. W. McCLUNG,  |
| JOHN M. McCLANAHAN, | JOHN H. J. WYNN, | B. McALPIN,     |
| G. W. ESSELMAN,     | J. DOUGLASS,     | W. W. MORRIS.   |

Mr. Morris, from the committee on Indian Affairs, reported on the bill to provide for the payment of a certain company of troops therein named, that it is inexpedient to pass said bill—which was laid on the table.

The bills—to attach a part of the county of Dale to the county of Henry; to incorporate the town of Prairie Bluff in the county of Wilcox; to change the time of holding the county courts of Conecuh county; for the relief of Isaac Avery; to provide a permanent fund for the internal improvement of the State; to provide for the payment of certain claims against the State; to provide for the appointment of a board of commissioners to dispose of a certain section of land therein named; for the relief of Auseline Bugg; and, defining the duties of Librarian, &c—were severally read and laid on the table.

Mr. McClanahan of S. from the committee on enrolled bills reported as correctly enrolled, an act to incorporate the town of Dudleyville, and an act concerning the revenue of Marshall and Jackson counties.

Mr. Mason from the same committee, reported as correctly enrolled—an act for the payment of certain claims growing out of the late indian hostilities; an act to compensate the Directors of the Bank of the State of Alabama and its several Branches; an act to divorce Nancy Davis from her husband Hezekiah Davis; an act to divorce William Logan from his wife Mary Logan; an act to divorce Hiram Elam from his wife Celia Elam; and, an act to divorce John Hughes from his wife Rosanna Hughes.

The bill entitled an act to equalize the advantages of the school fund, in township five range nine west, Huntsville land district, as amended by the Senate, was read. Mr Earle moved to amend the amendment by adding after "marengo" the word "Jefferson," which was carried. Mr Meade moved further to amend, by adding "Blount," which was carried. Mr Carmack moved to amend by adding "Lauderdale," which was carried; and the amendment as amended concurred in. Ordered that the clerk acquaint the Senate therewith, and ask its concurrence.

The engrossed bill to consolidate suits was read the third time. Mr Shortridge moved to lay the bill on the table which was lost. Mr Hilliard moved a call of the House, which was not sustained. The bill then passed; yeas 43, nays 18. The yeas and nays being demanded, those who voted in the affirmative are messrs. Abercrombie Baldwin Baker Bolling Carmack Clifton of C. Creagh Crenshaw Earle Ellis Finley Garner Godbold Hall Hammond Hampton Hancock High Hollis Jones of C. Lindsay Lipscomb Mason McAlister McAlpin of G. McAlpin of M. McClanahan of M. McMillion Meade Morrow Moore of W. Murphy Payne Priest Smith of D. Somners Taylor of F. Walker Weisinger Williams of J. Williams of T. and Wilson. Those who voted in the negative are messrs Speaker Booth Cook of F. Esselman Hilliard Kennedy McClanahan of S. McKnight Morris Moore of mad. Moore of Mar. Peters Phillips Porter Searcy Shortridge Wynn and Young. Ordered that the bill be as above, and that the same be sent to the Senate for its concurrence.



The House concurred in the amendment of the Senate to the bill entitled an act to repeal in part an act approved Dec. 17th, 1823. Ordered that the clerk acquaint the Senate therewith.

Mr Payne moved to take from the table the bill entitled an act to divide the counties of Sumter and Washington, which was carried. The bill was then read the third time and passed. Yeas 53, nays 9.

The yeas and nays being desired, those who voted in the affirmative, are messrs Speaker Abercrombie Baldwin Baker Bolling Clifton of c. Cook of F. Creagh Crenshaw Earle Ellis Esselman Finley Garner Go-bod Golding Hancock Jones of C. Kennedy Lindsey Lipscomb Mason McAllister McAlpin of G. McAlpin of m. McClanahan of m. McKnight McMillion Meade Mitchell Morrow Moore of m. Moore mar. Moore of W. Murphy Nelly Payne Phillips Porter Rutherford Searey Shields Shortridge Smith of D. Tarver Taylor of F. Walker Warren Weissinger Williams of J. Williams of T. Wilson and Young. Those who voted in the negative are messrs. Carmack Douglass Hall Hammond Hampton High McClanahan of S. Priest and Sommers

Ordered that the title be as above and that the same be sent to the Senate for its concurrence.

Mr Mason from the committee on enrolled bills, reported as correctly enrolled, an act to divorce Mary Clark from her husband Elijah Clark: an act to authorise the Judge of the county court and commissioners of roads and revenue of Dallas county to levy and collect an extra tax; an act to divorce Mary H. Rutledge from her husband William P. Rutledge: an act to incorporate the town of Warrenton: an act to incorporate the Prairie Bluff, Woodville and Greensborough company: an act to divorce Harriet Freet from her husband John S. Freet: an act to divorce Eliza Crawford from her husband Stephen Crawford: an act to divorce Harriet W. Montague from her husband Joseph H. Montague: an act concerning the revenue of Marshal and Jackson: an act to regulate dower: an act to provide for the formation of an additional brigade of the militia of this State: also an act to incorporate the trading and importing company of Alabama: and an act to establish a road therein named

The bill to repeal in part an act approved December 17th, 1823, and for other purposes, as amended by the Senate was read. Mr Shields moved to fill the blank in the amendment with 'five thousand' which was carried, and the amendment as amended concurred in. Ordered that the Clerk acquaint the Senate therewith and ask its concurrence.

The joint resolution of the Senate, was read and laid on the table.

Bills from the Senate, concerning steam and horse mills: to authorise Thomas H. Davis to erect a toll bridge across the Oakmulgee creek, at or near the point called Greer's bridge, on the line between the counties of Perry and Dallas: to incorporate the Mobile Manufacturing company, and concerning deeds, were severally read the first time, and the constitutional rule, requiring bills to be read on three several days, having been dispensed with, the bills were severally read the second and third time and passed. Ordered that the Clerk acquaint the Senate therewith.

The bill entitled an act to abolish attorneys fees in certain cases as amended by the Senate, was read and the amendment concurred in. Ordered that the Clerk acquaint the Senate therewith.

The bill from the Senate amendatory of the laws in relation to escheats: to incorporate the Tallassee bridge company: to incorporate the Argus company of volunteer riflemen: to authorise the Judge of the county court and commissioners of roads and revenue of the county of Pike, to levy and collect a county tax; to incorporate the Tuscaloosa guards: to provide for the summoning a jury to attend the county court of Marion county, and the resolution in relation to the distribution of the decisions of the supreme court, were severally read the second time, and the constitutional rule requiring bills and joint resolutions to be

read on three several days having been dispensed with, they were severally read the third time and passed. Ordered that the Clerk acquaint the Senate therewith.

The bill to affix a name to the county seat of Walker county, was read the second time and the constitutional rule, requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, and read the third time and passed. Ordered that the title be as above and that the same be sent to the Senate for its concurrence.

A message from the Senate by Mr Withers, their secretary. Mr Speaker, the Senate concurs in the amendment of the House to their amendment to the bill to be entitled an act to repeal in part an act, approved December the 17th, 1823.

Mr Kennedy from the committee on enrolled bills, reported as correctly enrolled an act to alter and amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Tombeckbee river, and for other purposes: an act for the payment of Captain J. Pate's company of mounted volunteers and for other purposes.

The bills from the Senate—to incorporate the town of Linden in the county of Marengo: to regulate sales by the sheriff of the county of Shelby: touching fines imposed by brigade courts martial: to provide for the payment of Captain Joseph Cook's company: for the relief of William Jordan of Washington county: to permit justices of the peace for the two beats which meet in the city of Tuscaloosa to hold their office within either of the said beats and for other purposes: to incorporate the Fayetteville male and female academy in Fayette county: the better to regulate the operations of the Bank of the State of Alabama and its several Branches, and to attach a part of the county of Tallapoosa to the county of Montgomery, were severally read the second time and the constitutional rule requiring bills to be read on three several days having been dispensed with on each they were severally read the the third time and passed.—Ordered that the clerk acquaint the Senate therewith.

The bill to authorise John Grant to excavate a channel or canal through the shoal or shell reef which now obstructs the inland navigation of Dauphin Island and Cedar Point, was read the second time and the constitutional rule requiring bills to be read on three several days having been dispensed with the bill was taken as engrossed and read a third time forthwith and passed. Ordered that the title be an act as aforesaid and that the same be sent to the Senate for its concurrence.

On motion of Mr Lipscomb, Resolved, that all bills that cannot be examined by the committee on enrolled bills for want of time be taken as correctly enrolled.

The bill from the Senate entitled an act prescribing the mode of establishing and licensing toll bridges causeways and ferries, also defining the rights and liabilities of the owners of the same was read the second time; Mr Phillips moved to amend by inserting a section between 3 and 4, which was carried. Mr Phillips moved further to amend by an additional section, which was carried, and the constitutional rule requiring bills to be read on three several days being dispensed with the bill was read third time and passed. Ordered that the clerk acquaint the Senate therewith and ask its concurrence.

Mr Hilliard from the committee on enrolled bills, reported as correctly enrolled, an act to incorporate the St. Andrews Society of Mobile: and an act to establish a certain road therein named.

A message from the Senate by Mr Childress, Assistant Secretary: Mr Speaker, the Senate have passed a bill from the House of Representatives entitled an act to affix a name to the county seat of Walker county.

Mr Mason from the committee on enrolled bills, reported as correctly enrolled, an act to regulate the time of holding the courts of the sixth judicial circuit.

And then the House adjourned till three o'clock, P. M.

*Afternoon Session, Saturday February 2.*—Mr Mason from the committee on enrolled bills, reported as correctly enrolled, an act to authorize John Grant to cut and excavate a channel or canal through the shoal or shell reef which now obstructs the inland navigation between Dauphin Island and Cedar Point; an act for the payment of a claim against the State therein named; an act to abolish and establish certain election precincts therein mentioned; an act to authorize the extension of the Tusculumbia, Courland and Decatur rail road; an act to amend an act limiting the number of auctioneers in the county of Mobile and for other purposes.

Mr. McClanahan of S. from the committee on enrolled bills, reported as correctly enrolled—An act for the relief of Lemuel Pounders; an act to regulate the compensation of the branch pilots of Mobile bay; an act to incorporate the town of Warsaw, in Sumpter county; an act to regulate dower; an act to authorize William Jordan to build a toll bridge over Bassett's Creek, in the county of Washington; an act to affix the name of the county seat of Walker county; an act to permit administrators, &c. to rent real estate, and for other purposes; an act to change the name of a certain person therein named; an act for the relief of Golden Harper; an act for the relief of Hugh B. Cameron; also an act to repeal in part an act approved Dec. 17th, 1833.

The bills—to compensate John P. Booth for a horse lost in the Creek service; to regulate the wages of the door-keeper and messenger of the House of Representatives, and the doorkeeper of the Senate; to promote silk culture; to amend the charter of the Eagle Rail Road and Lumber company; to appoint commissioners to investigate the conduct of the late jailor of Mobile county, and to alter and amend an act to revise and amend the laws in relation to schools and school lands—were severally read and laid on the table.

The bills from the Senate entitled an act explanatory of an act therein named; to authorize the judge of the county court of Franklin county and commissioners of revenue and roads, to allow compensation to certain persons therein named, and for other purposes; an act to compensate the commissioners of revenue and roads in the county of Covington, and for other purposes; to protect the character of females from slanderous aspersions; and, the more effectually to prohibit free negroes and persons of color from entering into, and remaining in this State—were severally read the second time; and the constitutional rule requiring bills to be read on three several days having been dispensed with on each, they were severally read the third time and passed: Ordered that the clerk acquaint the Senate therewith.

The bill to incorporate the Meridianville and Hazlegreen Turnpike company, was read a second time; and the constitutional rule requiring bills to be read three several days having been dispensed with, the bill was read the third time and passed: Ordered that the bill be entitled as above, and that the same be sent to the Senate for its concurrence.

Mr. Searcy introduced a bill to compensate George Snyder, which was read; and the constitutional rule requiring bills to be read on three several days having been dispensed with, it was read the second and third time forthwith, and passed; Ordered that the title be as above, and that the same be sent to the Senate for its concurrence.

Mr. Hilliard, from the committee on enrolled bills, reported as correctly enrolled—An act to require the Secretary of State to procure and distribute to the new counties the weights and measures now established by law; the bill from the Senate to authorize and require the Tennessee Canal commissioners to ascertain whether any thing be due to J. R. and S. S. Henry, and if so, to settle with them accordingly—was read the second time; and the constitutional rule requiring bills to be read on three several days having been dispensed with, the bill was read the third time and passed: Ordered that the clerk acquaint the Senate therewith.

Mr. Mason from the committee on enrolled bills, reported as correctly enrolled—An act to amend the laws now in force incorporating the town of North Tuscaloosa; an act to regulate in part sheriff sales in the county of Shelby; an act for the relief of John Riddle, in the county of Madison; an act to incorporate the Sipsey River navigation

company: an act to prohibit unlawful associations, and for other purposes; an act to divorce John White from his wife, Eliza White.

Mr Shields, from the committee on education, to which was referred sundry bills, resolutions and petitions, praying for relief in behalf of the purchasers of the sixteenth section lands, and for proposing legislation in relation to various subjects connected with the means and great interest of education, reported that the committee recommended to the House in reports heretofore submitted, such action as to them seemed expedient. They therefore ask to be discharged from the further consideration of the same; which was granted.

A message from the Senate by Mr Withers, their secretary—Mr Speaker: The Senate have passed bills from the House of Representatives, entitled an act to compensate George Snyder, and an act to incorporate the Meridianville and Hazle Green turnpike company.

Mr Mason from the committee on enrolled bills, reported as correctly enrolled, An act to incorporate the Tusculum female seminary: an act to attach a part of Tallapoosa county to the county of Montgomery: an act to provide the summoning of a jury to attend the county courts of the county of Marion: an act prescribing the mode of establishing and licensing toll bridges, causeways and ferries, also defining the rights and liabilities of the owners thereof: also, joint resolutions relative to the distribution of the decisions of the Supreme court: an act explanatory of an act therein mentioned: an act to provide for the payment of Capt. Joseph T. Cook's company: an act to authorize guardians of minors, idiots and lunatics to receive and remove from this State, any property to which such ward may be entitled, when both guardian and ward reside out of the State, or to remove the same from one county to another in this State: an act to incorporate the Girard manufacturing company: an act making appropriation for the payment of claims against the State: an act to amend an act to incorporate the Selma and Tennessee rail road company, approved 22d December, 1836.

Mr Kennedy, from the committee on enrolled bills, reported as correctly enrolled, An act to incorporate the town of Auburn, in the county of Macon: an act to incorporate the Red Ridge academy, in the county of Tallapoosa: an act to authorize John C. Whitsett to erect a toll bridge across the Noxubee river: an act to revise, alter and amend an act entitled an act to incorporate the Demopolis and Woodville rail road company: and an act to incorporate the Aberfoil male and female academy.

Mr Phillips, from the same committee, reported as correctly enrolled, an act to regulate the advantages of the school fund in township three, range nine, west, in the Huntsville land district and for other purposes: an act to amend the patrol laws, an act for the relief of Robert C. Cumming and Leonidas Opyker: an act to incorporate the Somerville academy in the county of Russell: an act to alter and amend the charter of the Bank of the State of Alabama and its several Branches: an act the better to regulate the operations of the Bank of the State of Alabama and its Branches: an act touching fines imposed by brigade courts martial: and an act to incorporate the Mobile manufacturing company.

Mr Hilliard, from the same committee, reported as correctly enrolled, an act concerning steam mills and horse mills: an act regulating sales by the sheriff of Shelby county: an act concerning deeds: also, joint resolutions.

Mr McClanahan of s. from the same committee, reported as correctly enrolled, An act to change the name of William Laycock to William Warren: an act to divorce Winnifred C. Jemison from her husband John Jemison: an act

to amend the charter of the Cahawba and Marion rail road company: an act to amend an act approved December 25th, 1837, to appropriate the balance of the interest arising from the canal fund, which has, or may be hereafter deposited in the State bank or either of the branches of this State: also, an act to compensate George Snyder, for coal delivered for the use of the Legislature: also, an act to abolish attorney's fees in certain cases.

Mr Shortridge, from the same committee, reported as correctly enrolled, an act to alter and amend the laws regulating the admission and practice of counsellors and attorneys at law: an act for the protection of mechanics. And then the House adjourned until half past 7 o'clock, P. M.

*Night session, Saturday, February 2d, 1839.*—Mr Mason, from the committee on enrolled bills, reported as correctly enrolled, an act to incorporate the Selma Rangers: an act to incorporate the town of Stockton, in Baldwin county: an act to amend the laws now in force in relation to the harbour of Mobile: an act to incorporate the town of Prairie Fluff in the county of Wilcox: and, an act to incorporate the town of Pickensville, in the county of Pickens.

Mr McClanahan of s. from the same committee, reported as correctly enrolled, an act to incorporate the Meridianville and Hazle Green turnpike company.

A message was received from the Senate by Mr Withers, their Secretary. Mr Speaker, the Senate have passed the following resolution: *Resolved*, That a committee be appointed on the part of the Senate to act jointly with such committee as may be appointed on the part of the House of Representatives, to inform his Excellency the Governor that the two Houses have completed the business before them, and are now ready to adjourn *sine die*, if he has no further communication to make them, and have appointed on their part, messrs. Wilson, Rice, and McVay, in which they ask the concurrence of your honorable body.

Mr Creagh moved that the resolution lie on the table, which was lost. The resolution was then concurred in; whereupon messrs Bolling, Lipscomb and Baker were appointed a committee on the part of the House. Ordered that the clerk acquaint the Senate therewith.

Mr Bolling, from the select committee appointed on the part of the House to act with the committee appointed on the part of the Senate to wait on his Excellency the Governor, and inform him that the two Houses of the general assembly, have completed the business before them, and are now ready to adjourn *sine die* if he has no further communication to make them, reported that the committee had discharged the duty assigned them, and had received for answer that his excellency had no further communication to make, which was ordered to lie on the table.

Mr Young offered the following resolution: *Resolved*, That the thanks of the House of Representatives are due and tendered to the Hon. James W. McClung, for the firm, dignified and impartial manner in which he has discharged the duties of presiding officer of this House, during the present session now about close, which was unanimously adopted.

Mr Crenshaw offered the following resolution: *Resolved*, That the thanks of the House are due to the Clerks and other officers of this House for the faithful manner in which they have discharged the duties of their respective offices, which was adopted. The House then adjourned *sine die*.

JAMES W. McCLUNG, *Speaker of the Houses of Representatives.*

ATTEST:

WILLIAM GARRETT, *Clerk of the House of Representatives.*